

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

**Categorical Exclusion Not Established By Statute
DOI-BLM-UT-CO30-2016-0021-CX**

April 2016

Kevin Winzeler Photography Film Permit

Location: Santa Clara – Barrel Roll Trail and Gunlock Highway

T. 42 S., R. 16 W.,
sec. 18.

T. 41 S., R. 17 W.,
sec. sec. 5

Applicant/Address: *Kevin Winzeler Photography
2315 Buffalo Bill Drive
Park City, UT 84060*

St. George Field Office
345 E. Riverside Drive
St. George, UT 84790
435-688-3200
435-688-3252



**CATEGORICAL EXCLUSION DOCUMENTATION FORMAT WHEN USING
CATEGORICAL EXCLUSIONS NOT ESTABLISHED BY STATUTE**

A. Background

BLM Office: St. George Field Office **Lease/Serial/Case File No:** UTU- 91672

Proposed Action Title/Type: Kevin Winzeler Photography Film Permit

Location of Proposed Action: The proposed action would take place on the Barrel Roll Trail in the Santa Clara River Reserve and along the side of Gunlock Highway, south of Gunlock Reservoir.

T. 42 S., R. 16 W.,
sec. 18.

T. 41 S., R. 17 W.,
sec. 5

Description of Proposed Action:

Kevin Winzeler has applied for a commercial film permit to film on public lands along the Barrel Roll Trail within the Santa Clara River Reserve and along the Gunlock Highway, south of Gunlock Reservoir. The proposal is to capture still photography of a runner on the Barrel Roll Trail. The filming of the runner would take place in the morning of May 11, 2016. The crew would then move to Gunlock Highway where the actor will ride a bike along Gunlock Road. There will be one actor, one photographer and 3 support persons operating out of two vehicles. There will be no props or special effects. Stipulations will be included in the permit to ensure that the general public recreating in the area would not experience a significant interruption and that environmental impacts would be minimal. The traffic along Gunlock Highway will not be disrupted. Filming will take place along the side of the road.

B. Land Use Plan Conformance

Land Use Plan Name: St George Field Office RMP **Date Approved/Amended:** March 1999

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

LD-12 States: *“Applications for new rights-of-way, leases and permits on public land will be considered and analyzed on a case-by-case basis. Proposals will be reviewed for consistency with planning decisions and evaluated under requirements of the National Environmental Policy Act and other applicable laws for resource protection.”*

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Chapter 2, Appendix 1, 5.4 E. (19): “Issuance of short-term (3 years or less) rights-of-way or land use authorizations for

such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 applies.

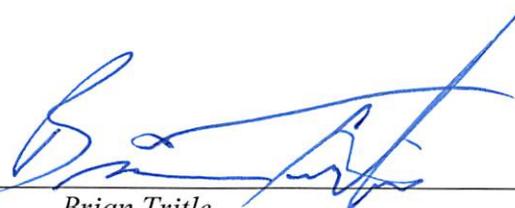
I considered:

- Public health or safety
- Natural resources and unique geographic characteristics such as historic or cultural resources; parks, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; national monuments; migratory birds; and other ecologically significant or critical areas.
- Unresolved conflicts concerning alternative uses of available resources
- Unique or unknown environmental risks
- Precedent for future actions
- Relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- Properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.
- Species listed, or proposed to be listed on the List of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species.
- Federal, state, local or tribal law
- Low income or minority populations
- Access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners and potential effect of the physical integrity of such sacred sites.
- Introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area

And determined that none of the above “Extraordinary Circumstances” would be negatively affected by the Proposed Action.

D: Signature

Authorizing Official:



Brian Tritle
Field Office Manager

Date:

4/29/2016

Contact Person

For additional information concerning this CX review, contact Teresa Burke (435) 688-3326

Categorical Exclusion Review Record

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	D. Corry	4/28/16
Areas of Critical Environmental Concern	No	J. Kellam	4/28/16
Cultural Resources	No	L. Hunsaker	4/26/16
Environmental Justice	No	J. Kellam	4/28/16
Farm Lands (prime or unique)	No	D. Corry	4/28/16
Floodplains	No	D. Corry	4/28/16
Invasive Species/Noxious Weeds	No	R. Reese	4/25/16
Migratory Birds	No	R. Douglas	4/26/16
Native American Religious Concerns	No	L. Hunsaker	4/26/16
Threatened, Endangered, or Candidate Species	No	R. Douglas/T. Croissant	4/26/16
Wastes (hazardous or solid)	No	J. Kellam	4/28/16
Water Quality (drinking or ground)	No	D. Corry	4/28/16
Wetlands / Riparian Zones	No	D. Corry	4/28/16
Wild and Scenic Rivers	No	K. Voyles	4/25/16
Wilderness	No	K. Voyles	4/25/16
Geology	No	K. Voyles	4/25/16
Lands	No	T. Burke	4/26/16

*Extraordinary Circumstances apply.

Environmental Coordinator



Date: 4/28/16

Extraordinary Circumstance to Categorical Exclusions

Exceptions to Categorical Exclusion Documentation

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

Extraordinary Circumstances		
1. Have significant impacts on public health or safety.		
Yes	No X	Rationale: The project would not have significant impacts on public health and safety because the permittee's will be engaging in normal activities that the general public engages in at these areas.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
Yes	No X	Rationale: The issuance of a film permit for photography on existing trails will not have any impacts on natural resources or unique geographic characteristics.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
Yes	No X	Rationale: There are no known Controversial environmental effects related to this proposal
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	Rationale: The environmental effects of this project are predictable and well established as insignificant
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
Yes	No X	Rationale: This action is not connected to another action that would require further environmental analysis or would set a precedent for future actions that would normally require environmental analysis.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	Rationale: This project is not related to any other actions.

Extraordinary Circumstances

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.

Yes	No	Rationale: The issuance of a film permit will not impact cultural resources.
	X	

8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.

Yes	No	Rationale: Issuance of a film will not affect Threatened or Endangered species or their habitat.
	X	

9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.

Yes	No	Rationale: The proposed project would not violate laws/ordinances such as the Migratory Bird Treaty Act, Fish and Wildlife Coordination Act, county ordinances, and state statutes.
	X	

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Yes	No	Rationale: There are no low income or minority populations present within or near the project area.
	X	

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Yes	No	Rationale: Consultations are conducted with the Paiute Indian Tribe of Utah and its respective Bands under the protocols established through a Memorandum of Understanding, signed with BLM in 1999. The proposed action would not limit access to, or ceremonial use of sacred sites, nor would it adversely impact the integrity of any known sites.
	X	

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Yes	No	Rationale: Filming at the area is an activity that the general public engages in on a regular basis. The issuance of a film permit to photograph these activities will not contribute to the introduction, continued existence or spread of noxious weeds or non-native invasive species.
	X	

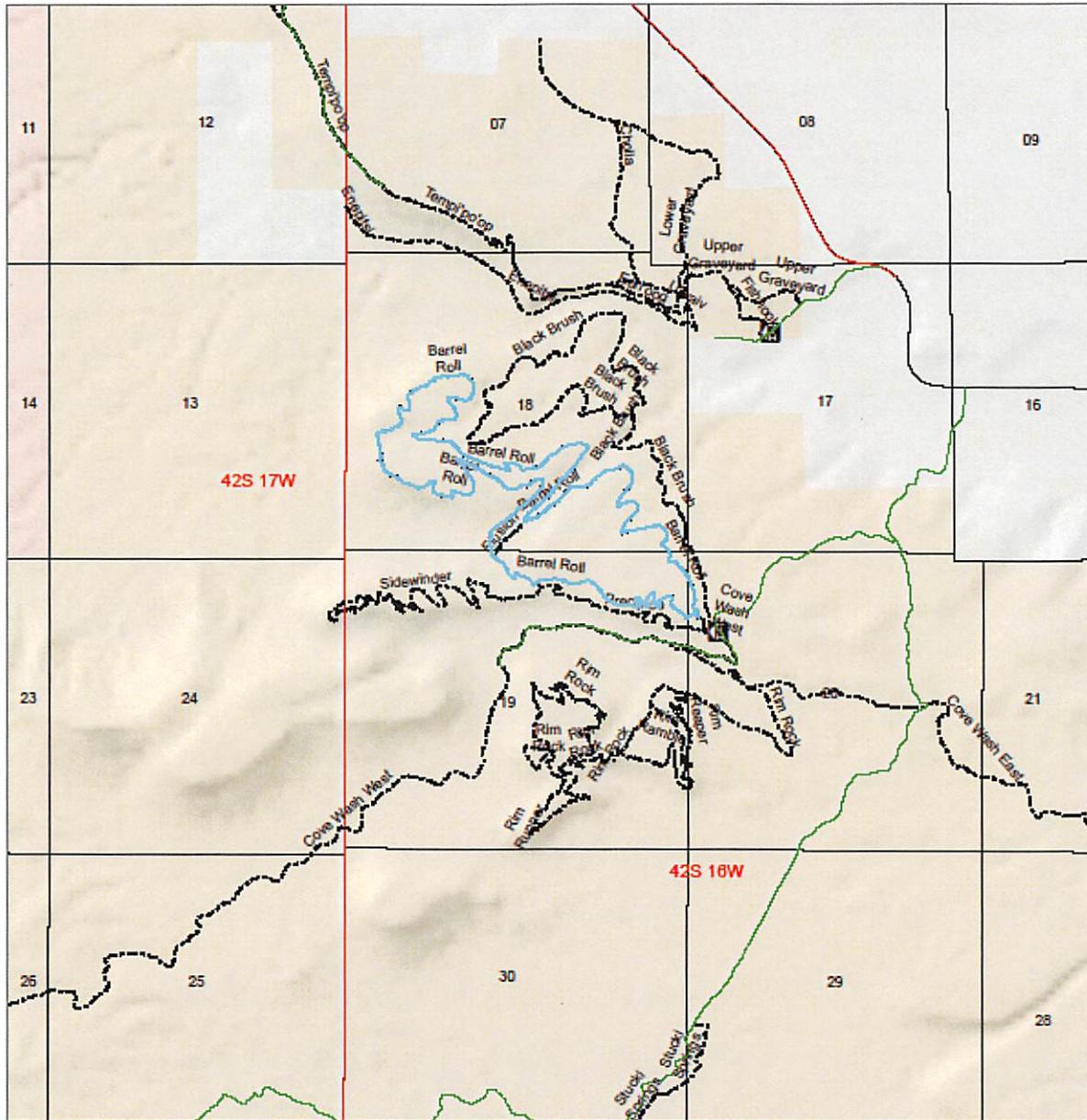
ATTACHMENTS: Map

Kevin Winzeler Photography
St. George Field Office
4/25/2016

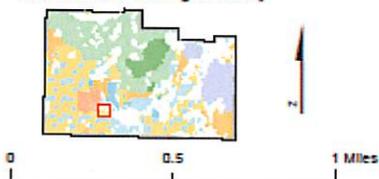
No warranty is made by the BLM for use of the data for purposes not intended by the BLM.



This product may not meet BLM standards for accuracy and content. Different data sources and input scales may cause some misalignment of data layers.



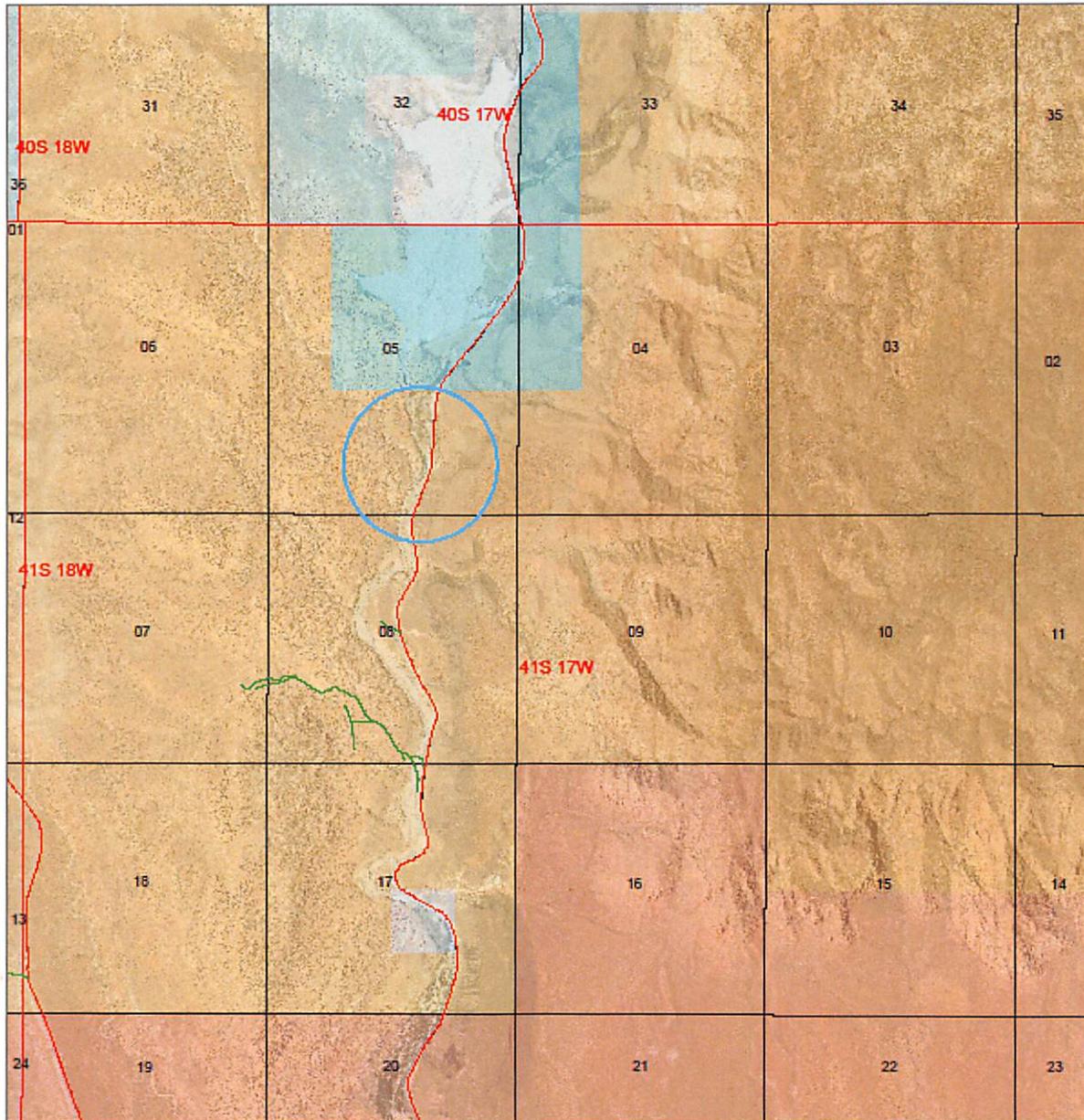
Location within Washington County



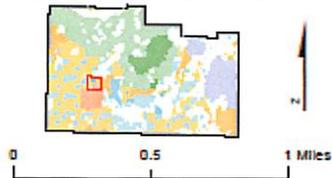
- Bureau of Land Management (BLM)
- Indian Reservation (IR)
- Private
- Filming Location

No warranty is made by the BLM for use of the data for purposes not intended by the BLM.

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Location within Washington County



- | | |
|---|--|
|  BLM Wilderness Area |  Private |
|  Bureau of Land Management (BLM) |  State |
|  Indian Reservation (IR) |  State Parks and Recreation |
|  Filming Location | |

**CATEGORICAL EXCLUSION
NOT ESTABLISHED BY STATUTE
DECISION DOCUMENT**

Decision

It is my decision to implement the action described in Categorical Exclusion DOI-BLM-UT-CO30-2016-0021-CX.

Decision Rationale

I have reviewed the attached Categorical Exclusion documentation, including plan conformance, NEPA compliance review, and extraordinary circumstances review, and have determined that the action involves no significant impact to the human environment and no further analysis is required.

Administrative Remedies

This 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.

This decision shall take effect immediately upon the date it is signed by the Authorized Officer, and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals (IBLA) issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at St. George Field Office, 345 East Riverside Drive, St. George, UT 84790. 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.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

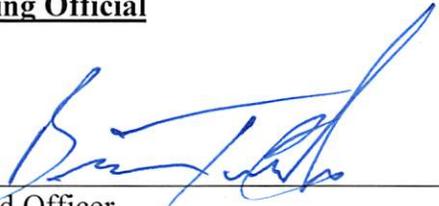
- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the

Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Authorizing Official



Authorized Officer

4/29/2016

Date