

# United States Department of the Interior Bureau of Land Management

BLM

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Categorical Exclusion Not Established By Statute

DOI-BLM-UT-Y010-2016-0202-CX

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June 2016

## Film Permit UTU-91797

***Location:***

SLM,  
Fisher Towers, Ancient Arts (Stolen Chimney) route: T. 24 S., R. 24 E., sec.7 & 17.

***Applicant/Address:***

***Ethen Roberts  
3361 Winesap Rd.  
Salt Lake City, UT 84121***

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Bureau of Land Management  
Moab Field Office  
82 East Dogwood  
Moab, Utah 84532  
435-259-2100  
FAX 435-259-2158



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

**A. Background**

BLM Office: Moab Field Office

Serial Case File No: UTU-91797

Proposed Action Title/Type: Retroactive Film Permit – moving photography

Locations of Proposed Action:

SLM, Fisher Towers, Ancient Arts (Stolen Chimney) route: T. 24 S., R. 24 E., sec.7 & 17.

Description of Proposed Action:

On June 22, 2016, Ethen Roberts submitted an application for a retroactive film permit to use motion photography taken at the Ancient Arts (Stolen Chimney) climbing route in the Fisher Towers area, BLM lands within the Moab Field Office, for commercial purposes on the internet. The photo shoot took place on May 17, 2016. There were 5 people and 1 vehicle involved in the project.

**B. Land Use Plan Conformance**

Moab Field Office RMP, Approved October 2008

This is shown on page 65 of the plan and reads as follows: "Meet public needs for use authorizations such as rights-of-way, alternative energy sources, and permits while minimizing adverse impacts to resource values."

**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 11.5(E) 19. This reference states "issuance of short-term (3 years or less) rights-of-way or land use authorizations...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.

**D: Signature**

Authorizing Official: \_\_\_\_\_

*Rebecca D. [Signature]*

Date: \_\_\_\_\_

*6/27/2016*

**Contact Person**

For additional information concerning this CX review, contact

Judie Chrobak-Cox  
Moab Field Office  
82 E. Dogwood  
Moab, Utah 84532  
435-259-2100

The following BLM Specialists have reviewed the proposed action and have determined that none of the 12 exceptions below apply to this project:

Name	Title	Critical Element(s)
Becky Doolittle	Acting Field Manager	Air Quality, Water Quality, Floodplains, Wetlands/Riparian Zones, Wastes (hazardous or solid)
Bill Stevens	Recreation Planner	Wilderness, Environmental Justice
Jordan Davis	Rangeland Mgmt. Spec.	Invasive Species/Noxious Weeds
David Williams	Rangeland Mgmt. Spec.	Threatened, Endangered or Candidate Plant Species
Pam Riddle	Wildlife Biologist	Threatened, Endangered or Candidate Animal Species, Migratory Birds
Katie Stevens	Recreation Planner	Areas of Critical Environmental Concern, Wild & Scenic Rivers
Don Montoya	Archaeologist	Cultural Resources, Native American Religious Concerns
Judie Chrobak-Cox	Lead Visitor Services Information Assistant	Lead Preparer

Lead Preparer:  Date: 6-27-16

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 <input checked="" type="checkbox"/>	<b>Rationale</b> The filming project is not likely to result in significant impacts to public health or safety. To keep impacts to a minimum and not impair public health or safety, the applicant would obtain, maintain and abide by all relevant Federal, state and local government requirements.
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 <input checked="" type="checkbox"/>	<b>Rationale:</b> Conformance with the Land Use Plan and Categorical Exclusion Review Records has been completed indicating none of the above concerns are present in the described locations and that significant impacts are not anticipated as a result of the proposed filming activity.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		

### Extraordinary Circumstances

<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> As described, the proposed action is categorically excluded under 11.5E (19). Categorically excluded actions generally have very predictable consequences well established as insignificant and, therefore, would not create environmental effects that would generate controversy or involve unresolved conflicts concerning alternative uses of available resources. No controversial effects or conflicts have been identified with this filming project.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> The project would not result in uncertain or unknown environmental risks.
5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> The project is not connected to another action and would not 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.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> Filming in the requested location would not have a direct relationship to other actions that would create cumulatively significant environmental effects.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> The nature of the proposed action is such that no impact can be expected on significant cultural resources.
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.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> The filming project would not have impacts of this kind.
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> The applicant would be required to maintain and abide by all relevant Federal, state and local laws throughout the term of the permit.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> The filming project would not have an adverse effect on low income or minority populations.
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).		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> There are no known Indian ceremonial or sacred sites within the locations.

**Extraordinary Circumstances**

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).

<b>Yes</b>	<b>No</b>	<b>Rationale:</b> The filming project should not result in introduction or spread of noxious weeds.
	X	

**Attachments:**  
**Categorical Exclusion Review Record**  
**Map**

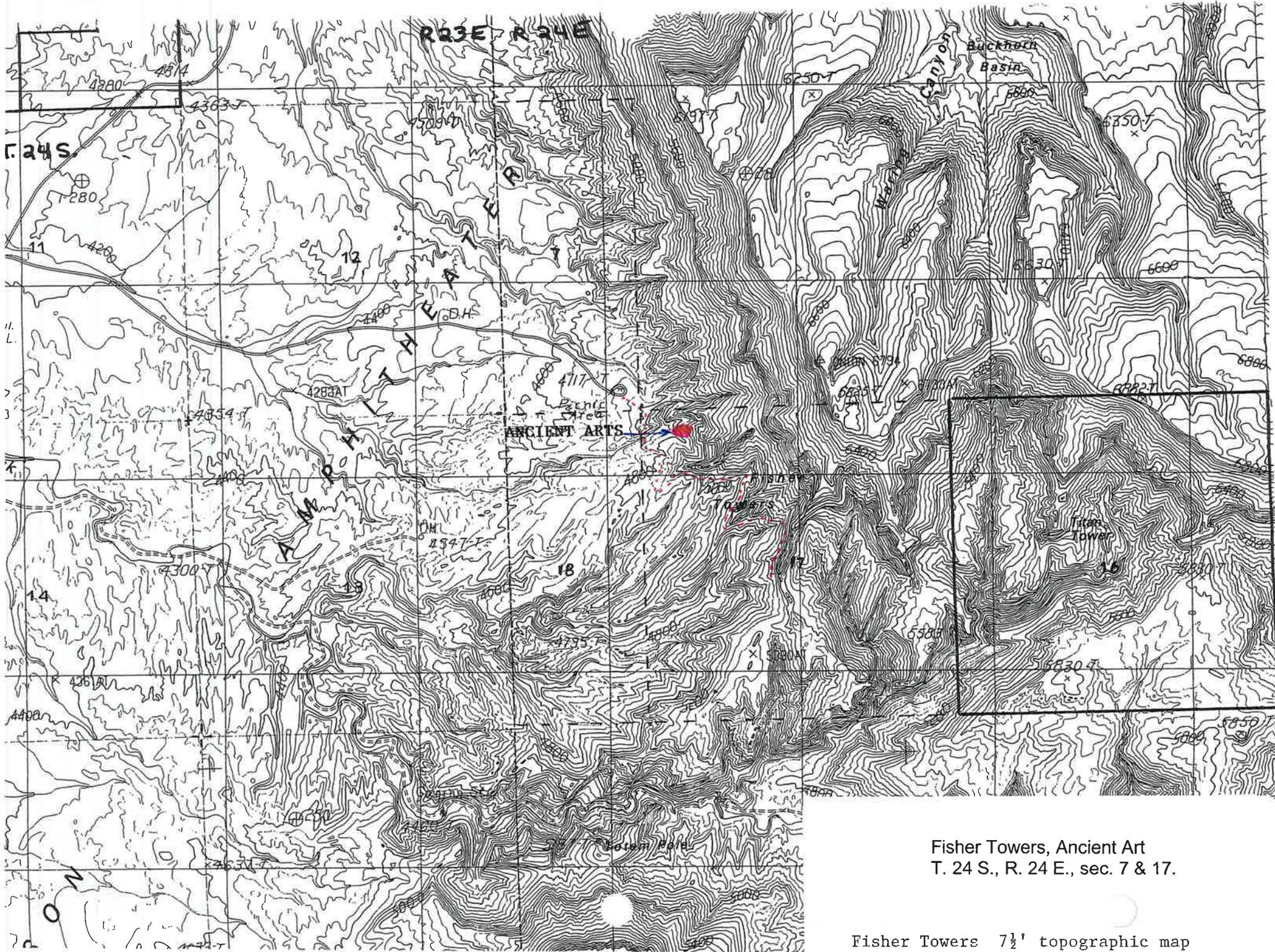
**Categorical Exclusion Review Record  
Retroactive Film Permit UTU-91797  
Ethen Richards**

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.

Resource	Yes/No*	Assigned Specialist Signature	Date
Air Quality	No	<i>R. DeWolter</i>	6/23/16
Floodplains	No	<i>R. DeWolter</i>	6/23/16
Water Quality (drinking or ground)	No	<i>R. DeWolter</i>	6/23/16
Wetlands / Riparian Zones	No	<i>R. DeWolter</i>	6/23/16
Areas of Critical Environmental Concern	No	<i>K. Stevens</i>	6/23/16
Wild and Scenic Rivers	No	<i>K. Stevens</i>	6/23/16
Wilderness	No	<i>K. Stevens</i>	6/24/16
Native American Religious Concerns	No	<i>D. Matson</i>	6/23/16
Cultural Resources	No	<i>D. Matson</i>	6/23/16
Environmental Justice	No	<i>K. Stevens</i>	6/24/16
Wastes (hazardous or solid)	No	<i>R. DeWolter</i>	6/23/16
Threatened, Endangered, or Candidate Animal Species	No	<i>A. L.</i>	6/23/16
Migratory Birds	No	<i>A. L.</i>	6/23/16
Threatened, Endangered, or Candidate Plant Species	No	<i>David Wallace</i>	6/23/16
Invasive Species/Noxious Weeds	No	<i>John Davis</i>	6/27/16
Other:	No		

\*Extraordinary Circumstances apply.

Environmental Coordinator: *K. Stevens* Date: 6/27/16



Fisher Towers, Ancient Art  
T. 24 S., R. 24 E., sec. 7 & 17.

Fisher Towers 7½' topographic map

### Approval and Decision

I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the Moab Field Office RMP, approved October 2008, and that no further environmental analysis is required.

It is my decision to grant land use permit UTU-91797 to Ethen Richards of Salt Lake City, UT pursuant to the authority of Section 302(b) of P.L. 579, October 21, 1976 (43 U.S.C. 1732). The permit will retroactively authorize 1 day of filming on public land in Grand County described below and shown on the attached map.

SLM, Fisher Towers, Ancient Arts (Stolen Chimney) route: T. 24 S., R. 24 E., sec.7 & 17.

Rationale: The proposal meets the criteria for minimum impact filming in WO Instruction Memorandum 96-148 and the guidelines in 43 CFR 2920.2-2 and is therefore, a full force and effect decision. The proposed action is not within a WSA or an area that requires additional NEPA analysis. The proposed action would not result in unnecessary or undue environmental degradation.

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 issues a stay. 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 82 East Dogwood, Moab, Utah. 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.

Authorized Officer: Rebecca Darville, ady Date: 6/27/2010