

**USDI, Bureau of Land Management
Andrews Resource Area, Burns District**

DECISION RECORD

**Alvord Desert Seeding, Mann Lake, and
Steens Mountain Wilderness Film Permit
Environmental Assessment
DOI-BLM-OR-B070-2015-0002-EA**

BACKGROUND

The Alvord Desert, Mann Lake, and Steens Mountain Wilderness Film Permit Environmental Assessment (EA) analyzed a proposal to allow three hikers to produce a commercial film while they hiked through Alvord Desert, Mann Lake, and Steens Mountain Wilderness. The only aspect of the permit that requires federal action is the issuance of a commercial film permit. All other activities associated with the permit are allowed through casual use.

COMPLIANCE

The attached Environmental Assessment (EA), Alvord Desert, Mann Lake, and Steens Mountain Wilderness Film Permit, DOI-BLM-OR-B070-2015-0002-EA, is tiered to the Andrews Management Unit (AMU)/Steens Mountain Cooperative Management and Protection Area (CMPA) Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS) and relevant information contained therein is incorporated by reference. In addition, the EA considered the Minimum Impact Film Permit EA (OR-07-020-059). The Proposed Action has been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Burns District.

- Federal Land Management and Policy Act (FLMPA) (43 U.S.C. 1701), 1976
- National Environmental Policy Act (NEPA) (42 U.S.C. 4320-4347)
- 1970 Minimum Impact Permits (43 C.F.R. 2920.2-2), 2013
- Steens Mountain Cooperative Management and Protection Act, Public Law 106-399, October 30, 2000
- Wilderness Act, Public Law 88-577, September 3, 1964
- State, local, and Tribal laws, regulations, and land use plans
- BLM Manual 6340 Management of Designated Wilderness Areas
- BLM Manual 6330 Management of Wilderness Study Areas
- Burns District Noxious Weed Management Program EA (OR-020-98-05), 1998
- Steens Mountain Cooperative Management and Protection Area Record of Decision and Resource Management Plan, August 2005

- Steens Mountain Wilderness and Wild and Scenic Rivers Plan, Appendix P - Steens Mountain Cooperative Management and Protection Area Resource Management Plan, August 2005
- Andrews Management Unit Record of Decision and Resource Management Plan, August 2005

DECISION

Having considered the Proposed Action, Alternative C, and the No Action and their associated impacts and based on analysis in EA-DOI-BLM-OR-B070-2015-0002-EA, it is my decision to implement Alternative C, Proposed Action with Additional Terms and Conditions, which authorizes commercial filming of a hike through Alvord Desert, Mann Lake, and Steens Mountain Wilderness. Additionally, a Finding of No Significant Impact (FONSI) found the Proposed Action, Alternative C, and the No Action analyzed in DOI-BLM-OR-B070-2015-0002-EA did not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement is unnecessary and will not be prepared.

Alternative C, Proposed Action with Additional Terms and Conditions, will authorize the issuance of a 2920 minimum impact film permit for commercial filming on the Andrews/Steens Resource Area to Renegade 83. The permit will allow filming of a hiking experience for three men with experience in high endurance sports, including ultra-marathons, with over 20 years' experience hiking, climbing, rappelling, hunting, kayaking, ice climbing, biking, and camping. The hikers will also be equipped with appropriate alpine wear clothing.

The hikers will begin in the Alvord Desert Seeding on bicycles or by foot on approximately December 15, 2014. They will spend approximately one day exploring the desert and traveling to Mann Lake where they will spend the night. On the second day the hikers will traverse the east side of the Steens Mountain to the summit. To complete this hike they will use ice axes, clamp-on, slider leashes, and lockdown leashes.

Once they have reached the summit they will hike down the ridge until they find an appropriate location to spend the night. Supply caches will be left at several locations for the hikers to have needed supplies. Finally the hikers will hike down Big Indian Creek until it comes into Donner und Blitzen River and follow the river until they reach Page Springs Campground. The entire hiking experience and film permit will take approximately 3-4 days.

Filming will be by use of small Go-Pro cameras held by each of the three hikers. Along the way they intend to:

- Give short biographical sketches on the history of the people indigenous to the area,
- Demonstrate/explain how to protect river resources,
- Demonstrate how to safely navigate various kinds of terrain,

- Display unique wildlife in the area, including native and non-native plant and animal species, and
- Display the unique geology in the area.

The filming will also include aerial imagery taken from a helicopter with a flying ceiling of 500 feet (flying ceiling is defined as the minimum distance between the helicopter and the earth). The helicopter will not land in wilderness and will only be used to film aerial images of the hikers and the terrain.

The hikers will avoid private land where possible; however, if the private land cannot be avoided, they will obtain permission from private landowners prior to crossing.

The hikers will be outfitted with personal location beacons, which will track them via satellite. They will also be equipped with a satellite phone, hand held radios, whistles, and air horns. The film company will contract with MIB insurance, a worldwide program. In the event there is a major emergency, the film company will call them and the closest assets will be contracted for rescue or evacuation. Emergency services will be within an hour's flight. A medic will also be located on site.

The roads on Steens Mountain will only be used if there is an emergency and the hikers have to be evacuated. If such an event were to happen after snow has accumulated on Steens Mountain Loop Road, it will either be plowed to allow vehicle traffic through, or if the snow accumulates more than can be plowed, a snow cat will be used to access the hikers.

Terms and Conditions of the Proposed Action

- (1) All camping and research activities will follow "Leave No Trace" guidelines.
- (2) BLM will be notified of any accidents occurring on public land which result in loss of life, loss of consciousness, disability of individuals in excess of 24 hours, requirement to secure medical treatment, or property damage in excess of \$100. In addition to notifying BLM as soon as possible, Renegade 83 will submit a detailed written report to BLM within 10 days from the date of any accident.
- (3) Actors and crew will not interfere with other valid uses occurring on public land such as grazing, mining, and recreation.
- (4) Authorization by BLM does not guarantee the use of specific public areas, nor does it grant the exclusive use of any area.
- (5) No one shall intentionally or wantonly destroy, deface, remove, or disturb any public building, sign, equipment, marker, or other government property, cultural site, historic structure, natural feature, vegetation, or wildlife, except as legally permitted.
- (6) All trash will be removed from site and disposed of at an authorized disposal site.
- (7) No trash burning will be allowed.

- (8) Archaeological and historical resources, including, but not limited to, petroglyphs, ruins, historic buildings, and artifacts, will not be disturbed. Any hidden cultural resources uncovered will be left in place.
- (9) The BLM will receive copies of information presented on video or posters and anything published with the BLM Burns District Office listed in the credits. This information will assist us in management of public lands.
- (10) No dropping of items or picking up of items or people by the helicopter is allowed in wilderness. Under emergency circumstances coordination with the authorized officer is required.
- (11) Camping will be minimum impact with no clearing of vegetation allowed.
- (12) The helicopter will not hover or fly directly over the top of wild horses. In addition, the helicopter will not intentionally cause wild horses to move and will not pursue them if they flee.
- (13) Permittees will ensure that any equipment brought in to the wilderness is clean of vegetative matter and/or seeds.
- (14) Any damage done to roads that may require snow removal in the course of this permit will be brought back to their pre-plowed condition with coordination of the authorized officer.
- (15) The helicopter will not hover over or near any bighorn sheep for a period lasting longer than 90 seconds. After 90 seconds have passed, the helicopter may not reacquire the same group of bighorn sheep until 45 minutes have passed.
- (16) This area is a Minerals Withdrawal Area; there will be no collection of rocks.

COMMENTS RECEIVED

A letter was sent to interested parties notifying them of the availability of the EA and giving the web address to access the original EA and unsigned FONSI. In addition, a notice was posted in the *Burns Times-Herald* newspaper on November 12, 2014. The Burns District BLM received 2 comments, neither was substantive. One comment voiced general support of the project and the other comment voiced general opposition of the project.

RATIONALE

I have selected the Alternative C, Proposed Action with Additional Terms and Conditions, based on the fact the permittees will not be performing any activities outside of what will normally be allowed under the context of casual use. The film itself qualifies for the exception to the prohibition of commercial filming in the Wilderness Act because it promotes wilderness values by providing a short biographical sketch on the history of the people indigenous to the area; demonstrating/explaining how to protect river resources; demonstrating how to safely navigate various kinds of terrain within wilderness; and narrating the unique wildlife and geology of the area. It meets the purpose and need for the action by responding to a request submitted by the applicant. Alternative C was chosen over Alternative B because the added terms and conditions

ensure there are no resource concerns. The No Action Alternative was not selected because BLM would have to have a valid reason related to resource concerns, law, regulation, or policy in order to deny an applicant's request.

APPEAL PROCEDURES

Authority

Authority for minimum impact permits decisions is found under 43 CFR 2920-2 (b). Permit decisions made under paragraph (a) of this section take effect immediately upon execution, and remain in effect during the period of time specified in the decision to issue the permit. Any person whose interest is adversely affected by a decision to grant or deny a permit under paragraph (a) of this section may appeal to the Board of Land Appeals. However, decisions and permits issued under paragraph (a) of this section will remain in effect until stayed.

Decision: It is my decision to implement Alternative C Proposed Action with Additional Terms and Conditions as described above.

Appeal Procedure:

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be filed with the Andrew Resource Area Field Manager, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days following receipt of the final decision. The appellant has the burden of showing the decision appealed is in error.

A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

Standards for Obtaining a Stay: Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards (43 CFR 4.21[b]).

- (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 immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

Authorized Officer:

Signature: Rhonda Karges Date: 12/15/14
Rhonda Karges, Andrews/Steens Field Manager

**UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District Office
Andrews/Steens Resource Area
Finding of No Significant Impact**

**Alvord Desert Seeding, Mann Lake, and
Steens Mountain Wilderness Film Permit
Environmental Assessment
DOI-BLM-OR-B070-2015-0002-EA**

INTRODUCTION

The Andrews/Steens Resource Area, Burns District, has prepared an Environmental Assessment (EA) to analyze commercial filming in the Alvord Desert Seeding, Mann Lake, and the Steens Mountain Wilderness. Renegade 83 submitted a film permit application to the Bureau of Land Management (BLM) on October 8, 2014. The purpose for the action is to consider a request from Renegade 83 to film on public land within the Andrews/Steens Mountain Cooperative Management Protection Area (CMPA) (Andrews/Steens) Resource Area. The need for the action is established by the BLM's responsibility under the Federal Land Policy and Management Act (FLPMA) to respond to a request for a permit.

SUMMARY OF THE PROPOSED ACTION

Three hikers and a crew of an additional three individuals will travel through the identified areas hiking and camping over the course of three to four days. Filming will be conducted using small hand held cameras. A helicopter flying over the hikers while they are hiking will capture aerial images of the area and the hikers themselves. The hikers and the film will highlight:

- Short biographical sketches on the history of the people indigenous to the area;
- Demonstrations/explanations of how to protect river resources;
- Demonstrations of how to safely navigate various kinds of terrain;
- Unique wildlife in the area, including native and non-native plant and animal species; and
- The unique geology in the area.

FINDING OF NO SIGNIFICANT IMPACT

Consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of impacts, is described below:

Context

The Proposed Action would occur in the Alvord Desert Seeding, Mann Lake, and the Steens Mountain Wilderness and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in the Andrews Management Unit (AMU)/Steens Mountain Cooperative Management and Protection Area (CMPA) Proposed Resource Management Plan (RMP)/Final Environmental Impact Statement (FEIS), August 2004. There would be no substantial broad societal or regional impacts not previously considered in the PRMP/FEIS. The actions described represent anticipated program adjustments complying with the AMU/Steens CMPA RMP/Record of Decision (ROD), August 2005, and implementing Lands and Realty and Wilderness management programs within the scope and context of this document.

Intensity

The CEQ's ten considerations for evaluating intensity (severity of effect):

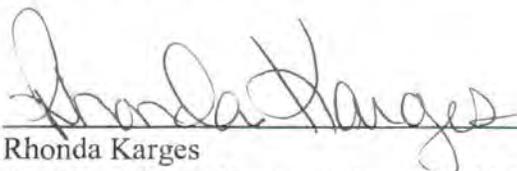
1. *Impacts that may be both beneficial and adverse.* The EA considered potential beneficial and adverse effects. Project Design Elements (PDE) (Terms and Conditions) were incorporated to reduce impacts to resources such as Wild Horses, Bighorn Sheep, Weeds, and Transportation. None of the effects are beyond the range of effects analyzed in the AMU/Steens CMPA PRMP/FEIS, August 2004, to which the EA is tiered. This EA is also tiered to an earlier EA signed in 2010, "Minimum Impact Commercial Filming on Bureau of Land Management-Managed Lands in Harney County, Oregon within Outstanding Natural Areas, Research Natural Areas, Areas of Critical Environmental Concern, Special Recreation Management Areas, Wilderness Study Areas, the Steens Mountain Cooperative Management and Protection Area, and the Roads Bounded by Steens Wilderness" (OR-07-020-059), concerning minimum impact filming in all special areas in the District, including Wilderness Study Areas (WSA). There are no effects to the majority of resources from the Proposed Action, the No Action, or the Alternative. Wilderness would have short-term impacts to solitude from the low level flying of the helicopter that will be filming the hikers and the wilderness only for the 3-4 day duration of the permit. Features that may be beneficial are the promotion of and education about primitive forms of recreation in the Wilderness. There would be no impacts to Lands and Realty due to the short-term, non-possessory interest of minimum impact permits.
2. *Degree to which the Proposed Action affects public health and safety.* No aspect of the Proposed Action, No Action, or the Alternative would have an effect on public health and safety. The project itself and its proposed PDEs (terms and conditions) are minimal in nature and pose no threat to the public because the activity would otherwise be casual use if it were not for the commercial aspect of the film. The activities occurring during filming, e.g., hiking and camping, can occur in these areas at any time without a permit. In addition, the applicant and film crew have a safety plan in place (as described in the EA) to ensure their own personal safety.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* Other unique characteristics for the Alvord Desert Seeding, Mann Lake, and the Steens Mountain Wilderness include outstanding vistas, unique and diverse habitats, and recreation opportunities with solitude and naturalness. These areas and recreation opportunities are described in detail in the Wilderness section of Chapter 3 of the EA.
4. *The degree to which effects on the quality of the human environment are likely to be highly controversial.* Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among the alternatives. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action, the No Action, or the Alternative. The film is intended to promote wilderness recreation and educate the viewers about safety during these activities; this kind of commercial filming is specifically allowed in the Wilderness Act. In addition, actions similar to these were analyzed on the BLM Burns District in the Minimum Impact Film EA, 2010 (OR-07-020-059). That EA analyzed similar actions in WSAs and other special areas and no comments were received from the public.
5. *Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The analysis has not shown there would be any unique or unknown risks to the human environment nor were any identified in the AMU/Steens CMPA PRMP/FEIS, August 2004, or in the EA, "Minimum Impact Commercial Filming on Bureau of Land Management-Managed Lands in Harney County, Oregon within Outstanding Natural Areas, Research Natural Areas, Areas of Critical Environmental Concern, Special Recreation Management Areas, Wilderness Study Areas, the Steens Mountain Cooperative Management and Protection Area, and the Roads Bounded by Steens Wilderness" (2010), which this EA is tiered to. The risks are neither unique nor unknown as filming, hiking, and camping are all normal activities which occur on a regular basis in the area.
6. *Degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.* This project neither establishes a precedent nor represents a decision in principle about future actions. The BLM is responding to a specific application, as required by Section 206 of the FLMPA, with its own site-specific NEPA. Any future similar requests will be responded to as they are submitted, will be required to go through their own process as it relates to NEPA, and will require additional decisions.
7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the AMU/CMPA PRMP/FEIS, August 2004, which encompasses the Alvord Desert Seeding, Mann Lake, and Steens Mountain Wilderness. The cumulative effects considered how the Winter Recreation Program would affect Wilderness and Lands and Realty. However, since there were determined to be no impacts to Lands and Realty and short-term effects to solitude in

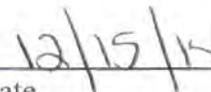
Wilderness, there could be no measurable cumulative effects. (A description on the short term effects to solitude can be found in the Wilderness section in Chapter 3 of the EA.)

8. *Degree to which the action may adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places.* There are features within the project area listed or eligible for listing in the National Register of Historic Places. However, no part of the Proposed action or Alternative includes any surface disturbing activities so any sites eligible for listing would not be affected.
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat.* There are no known threatened or endangered species or their habitat affected by the Proposed Action, the No Action, or the Alternative.
10. *Whether an action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.* The Proposed Action, the No Action, and the Alternative do not threaten to violate any law. Commercial filming is prohibited in the wilderness unless the film promotes wilderness and/or wilderness values and the activity being filmed is an activity normally allowed in the wilderness. The Proposed Action and Alternatives meet this exception and, therefore, do not violate any law. The Proposed Action is in compliance with the AMU/CMPA RMP/ROD, which provides direction for the protection of the environment on public lands.

On the basis of the information contained in the EA and all other information available to me, it is my determination that: 1) The implementation of the Proposed Action, the No Action, or the Alternative will not have significant environmental impacts beyond those already addressed in the AMU/CMPA PRMP/FEIS, August 2004; 2) The Proposed Action, the No Action, and the Alternative are in conformance with the AMU/CMPA RMP/ROD, August 2005; 3) There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and 4) The environmental effects, together with the proposed Terms and Conditions, against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment. Therefore, an EIS is not necessary and will not be prepared.


Rhonda Karges

Andrews/Steens Resource Area Field Manager, Burns


Date