UNITED STATES
DEPARTMENT OF THE INTERIOR

Bureau of Land Management
Burns District Office
Burns District Special Areas
Finding of No Significant Impact

Environmental Assessment
OR-07-020-059

INTRODUCTION

Burns District has prepared an Environmental Assessment (EA) to analyze Minimum Impact Commercial Filming in specially designated areas on the District including but not limited to Wilderness Study Areas and the roads bounded by wilderness.

SUMMARY OF THE PROPOSED ACTION

The Proposed Action is to issue minimum impact film permits under the guidelines and criteria set forth and analyzed in this EA.

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 specially designated areas on the Burns District and would have local impacts on affected interests, lands, and resources within the scope of those described and considered in the Three Rivers Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS) and the Andrews Management Unit (AMU)/Steens Mountain Cooperative Management and Protection Area (CMPA) PRMP/FEIS. 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 Three Rivers, AMU, and CMPA RMPs/Records of Decision, and implementing lands and realty management programs within the scope and context of these documents.

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 Features were incorporated to reduce impacts. Due to the criteria set forth for minimum impact commercial filming (i.e., no surface-disturbing activities) any impact from the Proposed Action would be negligible and temporary. No affects would be outside of those seen by casual use. Negligible effects refer to the guidelines set forth that no surface-disturbing activities take place, while wildlife may disperse, or vegetation may be walked on after the proponents leave the area they will return to normal patterns. Temporary refers to the short-term nature (less than 10 days) of the film permit. Any disruption will return to its normal pattern after the proponent leaves the area.

2. *Degree to which the Proposed Action affects public health and safety.* No aspect of the Proposed Action or No Action Alternative would have an effect on public health and 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.* Due to the nature of the Proposed Action all the geographic areas analyzed in this EA are unique; however, due to the nature of the action, all use would be the same as casual use and would have no affect on the unique nature of these special areas.

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 or No Action Alternative.

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.

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 nature of the activities to occur under the Proposed Action would be the same as those activities occurring under casual use, except the Proposed Action would authorize a commercial use.

7. W*hether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The environmental analysis did not reveal any cumulative effects due to the short term and negligible effects of the Proposed Action.

The action is short term due to the time limits of no more than 10 days. Negligible effects refer to the guidelines set forth that no surface-disturbing activities take place, while wildlife may disperse, or vegetation may be walked on after the proponents leave the area they will return to normal patterns.

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 no features within the Project Area listed or eligible for listing in the National Register of Historic Places. However, as part of the Project Design Features/terms and conditions discussed in the Proposed Action section of the attached EA, applicants would only be allowed to film near historic sites as long as no artifacts or fossils were disturbed or removed.

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 or No Action 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 and No Action Alternative do not threaten to violate any law. The Proposed Action is in compliance with the Three Rivers RMP, 1992, the AMU, 2005, and the Steens Mountain CMPA RMP, 2005, 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 or No Action Alternative will not have significant environmental impacts;
2) The Proposed Action and No Action Alternative are in conformance with the Three Rivers, AMU and Steens RMPs/RODs;
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 Project Design Features 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.

_____ _____

District Manager, Burns Date

United States Department of the Interior
Bureau of Land Management
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July 8, 2010

Environmental Assessment OR-07-020-059
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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

Location: **BLM-Managed Lands in the Burns District, Oregon**

Applicant/Address: **Various Applicants**

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Environmental Assessment

OR-07-020-059

CHAPTER I: INTRODUCTION: PURPOSE OF AND NEED FOR ACTION

Introduction

This Environmental Assessment (EA) will analyze minimum impact filming on all Bureau of Land Management (BLM) Burns District specially designated areas. The BLM routinely receives applications for minimum impact commercial filming on lands throughout Burns District, including lands identified as Outstanding Natural Areas (ONAs), Research Natural Areas (RNAs), Areas of Critical Environmental Concern (ACECs), Special Recreation Management Areas (SRMAs), Wilderness Study Areas (WSAs), the Steens Mountain Cooperative Management and Protection Area (CMPA), and the roads bounded by Steens Wilderness. All of these areas will hereafter be collectively referred to as "special areas."

BLM Burns District lands consists of 1 ONA (Diamond Craters) with 17,029 acres; 15 RNAs for a total of 19,161 acres; 6 ACECs for a total of 84,964 acres; 24 WSAs for a total of 648,649 acres; the CMPA is 428,198 acres; 3 SRMAs totaling 171,049 acres; and 48.3 miles of roads bounded by Steens Wilderness covered by this EA. Cherry stemmed roads are roads bounded on both sides by wilderness. Each cherry stemmed road has a varying degree of buffer: 30 feet; 100 feet; 300 feet that occurs before the wilderness area begins. Casual use of these areas by the general public occurs along these cherry stemmed roads without the requirement of a permit.

The BLM receives many applications for minimum impact filming. Many of these applications for minimum impact filming would be at a casual-use level except for their commercial nature. This type of commercial filming is distinctly different from commercial filming for major motion pictures. There are minimal affects to resources with minimum impact commercial filming. The intent is to film in a completely natural setting with only a few people involved using hand-held cameras, cameras with tripods or any other filming equipment that can be carried by hand. The majority of this type of commercial filming is conducted along with recreation activities already taking place in these areas, such as hunting, horseback trail rides, hiking, biking, canyoneering or camping. Commercial products, typically DVDs, videos, and/or still photography, resulting from minimum impact commercial filming may be sold on the internet, in retail stores, or made for commercial broadcast.

Noncommercial minimum impact filming, such as videos or photographs taken by hikers, campers, horseback riders, river rafters, etc., does not require a permit since the use meets the definition of casual use under 43 CFR 2920.0-5(k), which states: "*Casual use* means any short term non-commercial activity which does not cause appreciable damage or disturbance to the public lands, their resources or improvements, and which is not prohibited by closure of the lands to such activities." It is only the commercial nature of this filming that makes a permit necessary under the 43 CFR 2920 regulations. Commercial still photography in areas where the public is generally allowed or does not involve additional administrative costs is exempted from permitting and fee requirements by Public Law 106-206. An example of an activity that would be exempted by the Act would be a commercial photographer taking landscape, wildlife, or other still photos (without props or models) to be sold in the form of calendars, postcards or other media in areas open to the public. The Act does not, however, exempt commercial still photography where props or models are used or where there is likelihood of resource damage, health and safety issues, or impairment of public use of the lands.

A Special Recreation Permit (SRP) issued under 43 CFR 2930 is required for commercial activities such as outfitting and guiding, outfitted trail rides or guided river rafting. Photography associated with such SRP-permitted commercial recreational activities can be permitted by the SRP provided that filming is only for the location and duration of the SRP. The inclusion of minimum-impact filming adds no environmental impacts to the SRP-authorized activities. However, if filming will occur at any time or place outside the time limit and/or location of an SRP, a filming permit under 43 CFR 2920 is required for all of the filming. An example of such a situation would be anyone, including an outfitter/guide, commercially filming wildlife when not directly engaged with a guided hunt.

In processing such an application, BLM must analyze the proposal to determine the potential environmental effects, consistency with BLM policy, objectives, resource management programs and conformity with its land use planning. BLM Handbook H-8550-1, Interim Management Policy (IMP) for Lands under Wilderness Review, Chapter II, B.6, states that the use of National Environmental Policy Act (NEPA) Categorical Exclusion reviews for uses in WSAs is not allowed. Because BLM receives several applications per year for minimum impact commercial filming permits in WSAs and other special areas, preparation of a Programmatic EA was determined to be the most efficient and effective method of notifying the public and making informed decisions on these applications in a timely manner.

Purpose and Need

The purpose for the action is to provide consistent and timely opportunities for minimum impact commercial film permits on BLM public land, including special areas, that protects natural resources on public lands and prevents unnecessary or undue degradation. The BLM receives several applications per year for minimum impact commercial filming permits including filming activities in WSAs and other specially designated areas such as ACECs, RNAs, and the CMPA.

The need for the action is established by the processing requirement in the IMP for an EA to be completed in WSAs. Additionally, there are no existing minimum impact criteria which apply specifically to special areas. In addition, the need for the action is established by Federal Land Policy and Management Act (FLPMA) specifically Section 302 (b) which requires BLM to regulate commercial uses through the use of permits and to respond to such requests. Commercial filming permits are discretionary actions in which a proponent files an application with BLM requesting a permit. The BLM would consider each application and if it meets minimum impact criteria for special areas could issue a 43 CFR 2920 film permit without further NEPA.

Goals and Objectives

- Three Rivers Resource Management Plan (RMP) dated September 1992, Page 2-182 "Meet public needs for use authorizations such as right-of-way, leases, and permits;"
- Andrews Management Unit (AMU) RMP, dated August 2005, Page RMP-59 "Meet public, private, and Federal agency needs for realty-related land use authorizations and land withdrawals including necessary for wind, solar, biomass, and other forms of renewable energy development;"
- Steens Mountain CMPA RMP, dated August 2005, Page RMP-58 "Meet public, private, and Federal agency needs for realty-related land use authorizations and land withdrawals including necessary for wind, solar, biomass, and other forms of renewable energy development."

Decision to be Made

The BLM will decide whether to adopt the minimum impact criteria set forth in this EA for all special areas within Burns District. If the criteria are accepted, BLM will appropriately screen applications and consider issuance of a 43 CFR 2920 permit.

CONFORMANCE WITH BLM LAND USE PLANS

The Proposed Action and alternatives are in conformance with the Three Rivers RMP/Record of Decision (ROD), (September 1992), Andrews RMP/ROD (August 2005), and the CMPA RMP/ROD (August 2005) even though they are not specifically provided for, because they are clearly consistent with the RMP decisions outline above under Goals and Objectives.

It is important to note that most special areas are designated as right-of-way, realty use, and renewable energy avoidance areas. Avoidance areas are areas with sensitive resource values where rights-of-way and land use authorizations are strongly discouraged. Authorizations made in avoidance areas have to be compatible with the purpose for which the area was designated and not be otherwise feasible outside the avoidance area. By definition minimum impact film permits with no surface disturbance or permanent occupation would be compatible with purposes of these special areas. The definition for minimum impact film permits can be found on Pages 3 and 4 under Introduction, in addition it can be found in Appendix A.

RELATIONSHIP TO STATUTES, REGULATIONS AND OTHER PLANS

Issuing commercial filming permits is authorized under Section 302(b) of the FLPMA (43 U.S.C. 1732), the implementing regulations at 43 CFR 2920 and corresponding BLM Manual 2920. Principal authorities affecting use and management of lands under wilderness review are FLPMA (43 U.S.C. 1712, 1782), BLM Manual 8550 and its corresponding Handbook H-8550-1, IMP. SRPs are authorized under FLPMA, 43 U.S.C. 1701, *et seq.*, and the Land and Water Conservation Fund Act, as amended (16 U.S.C. 406l-6a).

As defined by the National Historic Preservation Act (NHPA), issuance of commercial film permits is an undertaking. However, in accordance with the implementing regulations set forth at 36 CFR 800.3 (a) (1), minimum impact film permits will have no surface disturbance and so have no potential to cause effects to historic properties, even assuming that historic properties might be present. Therefore, beyond documenting a finding of no potential to cause effects, no additional efforts are required in order to comply with Section 106 of NHPA.

Existing WSAs are managed under the BLM's IMP and guidelines for Lands Under Wilderness Review (BLM Handbook H-8550-1) until legislation takes effect to change their status. The major objective of the IMP is to manage lands under wilderness review in a manner that does not impair their suitability for designation as wilderness. In general, the only activities permissible under the IMP are temporary uses that do not create surface disturbance or involve permanent placement of structures. The IMP provides for permits under 43 CFR 2920 and 2930 to be issued if BLM determines that the use in question satisfies the "non-impairment" standard and that such permits contain a stipulation that if the WSA is designated as a wilderness area, the permit may be terminated.

The NEPA (42 U.S.C. 4320-4347),

Noxious Weed Management Program EA (OR-020-98-05)

Filming is consistent with County and State plans that generally encourage economic use and development of lands in Harney County, Oregon.

Scoping and Issues

Scoping

This is, by definition, a small minimum impact action that is routine in nature. The BLM conducted internal scoping to identify any possible resource issues.

Issues

Would the Proposed Action depreciate the wilderness values in the WSAs?

What contribution would increased filming opportunities provide to the local economy?

How would taking no action on this EA affect proponents applying for film permits and the BLM?

How would commercial filming affect the viability of migratory bird populations?

How would commercial filming affect other Federally listed endangered, threatened, or candidate species found on Burns District or any critical habitat designated in the District?

Would minimum impact commercial film permits cause appreciable displacement of wildlife?

Will minimum impact commercial film crews increase the likelihood of noxious weed spread?

Issues not Analyzed in Detail

How would commercial filming affect American Indian people that may be gathering roots between April 1 and June 15 in the Biscuitroot Cultural ACEC?

This resource issue was resolved by limiting access and time in the project design elements. Therefore, the project design elements have eliminated the need for further analysis.

How would commercial filming affect BLM sensitive species or their habitat? How would commercial filming affect critical habitat or reintroduced populations of Malheur wirelettuce (*Stephanomeria malheurensis*)? Malheur wirelettuce is a Federally listed endangered species (U.S. Fish and Wildlife Service (USFWS) 1982) known worldwide only from the type locality (the South Narrows ACEC).

Recent reintroduction efforts from 2006 to 2009 have been showing promising results. Multiple populations of *S. malheurensis* have been successfully outplanted during these years and have increased the sensitivity of the site for potential casual use by the public. Due to Project Design Features there would be no affect to Malheur wirelettuce, it will not be discussed further.

CHAPTER II: DESCRIPTION OF ALTERNATIVES

Alternative 1, No Action

Under this alternative BLM would continue handling minimum impact commercial filming permits in special areas on a case-by-case basis with an appropriate level of site-specific environmental review as requested. This alternative is considered and analyzed to provide a baseline for comparison of the impacts of the Proposed Action.

Alternative 2, Proposed Action

The Proposed Action is to set guidelines to issue minimum impact commercial filming permits on BLM-managed public lands within special areas year-round. These special areas are shown in a vicinity map titled "Exhibit A." These permits would have to meet minimum impact guidelines as outlined below and in Appendix A. It is estimated that approximately 2 to 10 minimum impact commercial filming permits would be issued per year but would not exceed 50. Minimum impact permits would be issued pursuant to the 43 CFR 2920 regulations and would allow the holder to take pictures, both still and moving, for commercial purposes. Minimum impact permits are those that will cause no appreciable damage or disturbance to the public lands, their resources or improvement (43 CFR 2920.2-2 a). Permits issued pursuant to 43 CFR 2920 would convey no possessory interest, would be for temporary use not to exceed 3 years, and would be revocable as provided by the terms of the permits and the provisions of 43 CFR 2920.9-3. Permits may be renewed at the discretion of the BLM Authorized Officer. The number and/or duration of new permits in specific areas would be reduced and, if necessary, canceled or revoked, if it is determined that an area is getting congested. For the purposes of this EA such action may take place if there are more than 12 applications in one calendar year for one specific special area.

<u>Project Design Elements/Criteria for Minimum Impact Commercial Filming</u>

Filming would be by use of:

- hand-held cameras
- tripods
- artificial lighting
- props
- or other equipment

that could be easily carried off road or located on existing open roads. Walking, hiking, and horseback riding on existing trails and cross country would occur. Except within that portion of the Alvord Desert WSA where cross-country vehicle use of the playas is allowed, all vehicle use would occur only on existing roads and ways (WSAs) designated in the respective land use plan or travel management plan as open to vehicular use. Duration of filming in any one location would be less than 10 days, with the typical time being an average of 1 to 5 days. The total number of personnel associated with this type of filming would typically be 12 or fewer people. Crews generally stay in local hotels and motels, but camping outside special areas would be permissible.

There would be no removal of vegetation or soils; no use of explosives, pyrotechnics, or fires; no activity within archaeological sites; and no activities within breeding habitats/designated critical habitats of Federally listed threatened, endangered, proposed for listing, or candidate species or BLM sensitive species. Each new permit proposal would need to be reviewed by a wildlife or fisheries biologist to determine potential impacts and appropriate stipulations needed to avoid appreciable disturbance to migratory birds or their habitat. Filming in historic sites would be permitted as long as historic artifacts were not disturbed or removed. Filming in paleontological localities would be permitted as long as vertebrate fossils were not disturbed or removed. There would be no use of exotic species, such as those that are not commonly found in the Pacific Northwest. No vehicular cross-country travel (except as previously discussed) or use of heavy earthmoving equipment would be allowed. No taking off or landing of aircraft within a special area would be permitted.

Standard terms and conditions for all permits will include washing all vehicles and equipment prior to entering an area, before moving to a new area and after filming is complete to minimize the introduction and spread of noxious weeds. Permit stipulations would include weed prevention measures such as inspection of equipment and clothing and requirement of weed-free feed for livestock. Burns District would provide weed education and identification materials to any potential film crew. Hazing, herding or intentional harassment of wild horses and wildlife would not be permitted. Public access would not be restricted as a result of minimum impact commercial filming activities. Any materials packed in with the film crew would also need to be packed out, to include any debris or garbage.

During the summer fire season, filmmakers would carry a shovel and water to suppress fires, and vehicles would remain on roads that lack grasses that could be ignited by catalytic converters or hot mufflers. Commercial film crews would need to abide by fire restrictions in place unless a waiver is obtained from the authorized officer.

The BLM would screen each minimum impact commercial filming proposal for compliance with the criteria discussed above and to ensure proposal is compatible with the purposes of the special area where it is proposed. If all of the criteria are met, a permit may be issued based on this EA.

Minimum impact commercial filming would not be authorized from April 1through July 1 in Biscuitroot Cultural ACEC to ensure American Indians can conduct their gathering activities without the intrusion of film crews. Exceptions could be made for filming activities associated directly with Burns Paiute Tribe or their authorized agents.

Any activity within a Herd Management Area (HMA) requiring use of horses shall require a current (within 6 months) Health Certificate and Coggins Test for all animals. Staging areas are prohibited within one-half mile of any water source within an HMA.

There would be no admittance into the enclosures within South Narrows ACEC in order to protect reintroduced populations of wirelettuce.

ALTERNATIVES ELIMINATED FROM DETAILED ANALYSIS

While other alternatives were discussed during scoping the Interdisciplinary Team (IDT) determined that other alternatives would not lessen the environmental effects because the restrictions placed upon minimum impact commercial filming permit holders are so restrictive. In addition, no unresolved conflicts were brought forward that would facilitate the need for more alternatives.

CHAPTER III: AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES

Descriptions of the affected environment, including lands within special areas are contained in the respective land use plans as follows: Three Rivers RMP dated September 1992; the AMU RMP, dated August 2005; the Steens Mountain CMPA RMP, dated August 2005, and Wilderness Study Report, October 1991. A vicinity map, Exhibit A, is attached and made a part of this EA which shows the location of each special area.

An IDT has reviewed and identified issues and resources affected by the alternatives. The following table summarizes the results of that review. Affected resources are in bold.

Elements of the Human Environment	**Status**	**If Not Affected, why? If Affected, Reference Applicable EA Chapter**
Air Quality (Clean Air Act)	Not Affected	Based on the minimum impact filming requirements, namely no surface disturbance, limited vehicle use and project design, air quality would not be affected.
American Indian Traditional Practices	Not Affected	Based on the minimum impact filming requirements, namely no surface disturbance, limited vehicle use and project design (time restrictions), American Indian Traditional Practices would not be affected.
ACECs	Not Affected	ACECs will not be affected by minimum impact filming. Project design restricts access to excluded areas within South Narrows ACEC.
Cultural Resources	Not Affected	Based on the minimum impact filming requirements, namely no surface disturbance, limited vehicle use and project design, Cultural Resources would not be affected
Environmental Justice (Executive Order (EO) 12898)	Not Affected	The Proposed Action and No Action Alternatives would not have "disproportionately high and adverse human health or environmental effects" (EO 12898) on minority populations and low-income populations as such populations do not exist within the Project Area.
Flood Plains (EO 13112)	Not Affected	Due to the minimum impact filming requirements (i.e., no surface disturbance), effects to flood plains would be undetectable.
Forestry/Woodlands	Not Affected	No vehicle cross-country travel allowed; therefore, no affect on Forestry/Woodlands.
Grazing Management	Not Affected	The limited amount of proposed use during filming is not expected to disturb livestock grazing on BLM lands. The landscape associated with Burns District special areas result in scattered livestock use that would not be affected by the Proposed Action. When compared to the normal public activity on BLM lands the proposal is not expected to affect livestock grazing activities on BLM lands.

Elements of the Human Environment		Status	If Not Affected, why? If Affected, Reference Applicable EA Chapter
Hazardous or Solid Waste		Not Affected	Permit Stipulations would require any waste be packed out by the permittee.
Migratory Birds (EO 13186)		**Affected**	**See Chapter III**
Noxious Weeds (EO 13112)		**Affected**	**See Chapter III**
Paleontological Resources		Not Affected	Based on the minimum impact filming requirements, namely no surface disturbance, limited vehicle use and project design, Paleontological Resources would not be affected.
Prime or Unique Farmlands		Not Present	Most lands within the areas identified are not considered prime or unique farmlands. There may be minor areas of soils that would qualify as prime farmland if irrigated, but due to scarcity of water sources for irrigation, these generally do not qualify as prime or unique farmland. No activities authorized under this Proposed Action would preclude any qualified areas from ever becoming prime farmland if irrigation water was to become available.
Recreation		Not Affected	It is expected that the proposed activities would have an undetectable impact on recreation opportunities.
Social and Economic Values		**Affected**	See Chapter III
Soils/Biological Crusts		Not Affected	By definition, casual use activities that may impact soils or biological soil crusts would not be authorized under this Proposed Action.
Vegetation		Not Affected	Because no surface disturbance would occur as a result of implementation of the Proposed Action, no impacts to vegetation are anticipated.
Visual Resources		Not Affected	All WSAs are Visual Resource Management Class I. Because of the minimum impact nature of the permitted use, any disturbance would be undetectable and temporary (days) and no permanent structures or facilities would be constructed.
Wildlife/ Threatened or Endangered (T/E) Species or Habitat	Fish	Affected	See Chapter III
	Wildlife	Affected	See Chapter III
	Plants	Not Affected	See Chapter III for background on T&E issues; however, no impacts would occur under any alternative.
Wildlife/BLM Special Status Species (SSS) and Habitat	Fish	Affected	See Chapter III
	Wildlife	**Affected**	**See Chapter III**
	Plants	Not Affected	No impacts would occur under any alternative.
Water Quality (Surface and Ground)		Not Affected	Due to the minimum impact filming requirements (i.e., no surface disturbance), water quality would not be affected.
Wetlands/Riparian Zones (EO 11990)		Not Affected	Due to the minimum impact filming requirements (i.e., no surface disturbance), effects to wetland/riparian zones would be undetectable.
Wild and Scenic Rivers		Not Affected	The minimum impact nature of the permitted use should have no effect on the outstandingly remarkable values or tentative classifications of any river corridors.

Elements of the Human Environment	Status	If Not Affected, why? If Affected, Reference Applicable EA Chapter
Wilderness/WSAs/Wilderness Characteristics	**Affected**	**See Chapter III**
Realty and Access	**Affected**	**See Chapter III**
Wild Horses	Not Affected	
Wildlife	**Affected**	**See Chapter III**

Migratory Birds

How will commercial filming affect the viability of migratory bird populations?

Migratory birds can be found throughout all the various habitat types available on Burns District (District). Migratory birds utilize habitat types from alpine meadows to playa lakebeds, sagebrush to conifer forests and wetlands. Over 260 species of migratory birds use Harney County for nesting and rearing of young, foraging, wintering, and as resting habitat (USFWS 2009).

Some birds are strongly associated with specific habitat types (e.g., sage thrasher (*Oreoscoptes montanus*) and sagebrush, while others frequently use a variety of habitat types (e.g., American robin (*Turdus migratorius*)). Many species that breed on the District may produce more than one clutch per season. This means that breeding and rearing of young can be occurring well into the summer season.

Environmental Consequences

Alternative 1, No Action

Minimum impact commercial film permits would be required to undergo separate site-specific appropriate environmental analysis. This may dissuade some permit applicants whose intent is to distribute films for commercial purposes. Requiring a separate planning process for each application for activities within WSAs may result in fewer applicants filming on public lands and slightly less disturbance to migratory birds. Appropriate stipulations for protection of priority bird habitats such as distance or timing restrictions would be included in any environmental analysis and would reduce impacts to migratory birds to unmeasurable levels. Noncommercial filming or casual use filming may still occur. Casual use filming is uncontrolled but occurs at levels low enough that no affects would occur to migratory birds.

Alternative 2, Proposed Action

Depending on the location, duration, and time of year, minimum impact commercial filming may affect migratory birds. Under the Proposed Action, no changes to vegetation would occur, resulting in no loss of nesting, foraging, or hiding cover for migratory birds. Disturbance associated with minimum impact commercial filming would generally be small scale and temporary in nature, but potentially cause short-term (less than a day) displacement of birds in the immediate filming area. The proposed spatial and temporal buffers around sensitive habitat (e.g., nests) and other project stipulations should prevent any appreciable disturbance to migratory birds or their habitat.

There would be no cumulative impacts from projects of this type to migratory birds since the project duration is short and there would be no modifications to habitat. To provide a comparison, other projects such as North Steens Ecosystem Restoration Project, Five Creeks, Otis Mountain, and other habitat improvement projects could change the character of migratory bird habitat to a greater extent and for a longer period of time than any possible filming project covered under the scope of this EA.

Noxious Weeds

Current discussion and analysis of potential effects to noxious weeds are tiered to the Three Rivers RMP/FEIS (August 1992), and relevant information contained in the following chapter is incorporated into this EA by reference: Chapter 2, Page 53, and the Andrews and Steens Mountain CMPA RMP RODs and relevant sections, Page RMP-32-33.

The District has hundreds of documented noxious weed sites covering a variety of noxious weed species. Some of the more difficult weed species include among others: medusahead rye (*Taeniatheram caput-medusea*), perennial pepperweed (*Lepidium latifolium*), Scotch thistle (*Onopordum acanthium*), Canada thistle (*Cirsium arvense*), spotted knapweed (*Centaurea biebersteinii*), diffuse knapweed (*Centaurea diffusa*), Russian knapweed (*Acroptilon repens*), and whitetop (*Cardaria draba*). All of these species have potential to spread whenever contact is made by humans, wildlife, and/or by mechanical means.

Environmental Consequences

Will minimum impact commercial film crews increase the likelihood of noxious weed spread?

Alternative 1, No Action

Each potential film site has different noxious weed issues and, therefore, needs to be addressed on a case-by-case basis regarding specific mitigation measures. Issuing a site-specific permit would provide the opportunity to address the specific noxious weed issues associated with the area. By following the basic criteria, the potential for the introduction and spread of noxious weeds would be minimized.

Alternative 2, Proposed Action

Same as Alternative 1.

Social and Economic Values

What contribution would increased filming opportunities provide to the local economy?

Affected Environment

Livestock raising and associated feed production industries are major contributors to the economy of Harney County. The highest individual agricultural sales revenue in the County is derived from cattle production (65 percent), which is inextricably linked to the commodity value of public rangelands. The cattle industry provided $37,955,000 in sales in Harney County in 2009 compared to $42,973,000 in 2008 (Oregon State University, Extension Service, 2010).

"Quality of life" is very individual when determining what is valued in a lifestyle and what features make up that lifestyle. Lifestyle features can be determined by historical activities of the area, career opportunities and the general cultural features of the geographical area. Quality of life issues are subjective and can be modified over time with exposure to other ways of living. Recreation is a component of most lifestyles in the area and includes driving for pleasure, camping, backpacking, fishing, hunting, hiking, horseback riding, photography, wildlife viewing, and sightseeing. These activities contribute to the overall quality of life for residents.

In addition to local recreation use, the undeveloped, open spaces in the County are themselves a tourist attraction and contribute a "sense of place" for many. The attachment people feel to a setting, typically through a repeated experience, provides them with this sense of place. Attachments can be spiritual, cultural, aesthetic, economic, social or recreational.

Hunting and other types of dispersed outdoor recreational experiences contribute to the local economy on a seasonal basis. Fee hunting and recreation alone contributed $110,000 to Harney County in 2009 (http://oain.oregonstate.edu, 2009).

The feature film, *Meek's Cutoff*, was filmed in Harney County in 2009 over a period of 30 days. The production generated approximately $966,000.00 in Oregon spending (pending, Oregon State Film Commission, 2010) and almost all of it was spent in Harney County (personal communications, S. Haley, 2010). According to the Governor's Office of Film and Television business revenue was up almost 200 percent for one local motel in Harney County and another motel reported a $14,000 increase in revenue for the month of September. In addition, employment opportunities were enhanced and lodging taxes provided economic revenue for the local community during the period of time the film crew was in the community.

According to the Oregon State Film Commission a one-day still photography session in Eastern Oregon provided $35,000 in Oregon spending.

Environmental Consequences

No Action Alternative

Under the No Action Alternative, minimum impact commercial filming would require site-specific, appropriate NEPA analysis. Based on past experience, up to three permits per year walk away due to the timing and cost restraints of preparing EAs for activities in WSAs. Therefore, opportunities of added revenue to the local economy would not be recognized. There would be no known affects to social values.

Proposed Action

It is assumed by implementing the Proposed Action BLM would see an increase in film permit requests by approximately one per year. Based on the Oregon State Film Commission's data, this could equate to an increase in revenue to Harney County by $35,000 per year for one day of filming. Productions lasting 30 days would add revenue to local communities through motel occupancy and subsequent lodging taxes; purchase of supplies, equipment and meals; and employment opportunities. No effects to social values are expected.

Because the certainty of filming activities is an unknown commodity within the County, the economic effects when combined with other Reasonably Foreseeable Future Actions (RFFAs) would be speculative.

Threatened, Endangered, and BLM Special Status Species of Fauna

How would commercial filming affect other Federally listed endangered, threatened, or candidate species found on the Burns District or any critical habitat designated in the District?

Burns District contains habitat supporting threatened, endangered, proposed for listing, candidate and BLM SSS (sensitive) wildlife species. Threatened, Endangered and Candidate species known or potentially occurring on the District include Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*), Borax Lake chub (*Gila boraxobius*), bull trout (*Salvelinus confluentus*), Columbia spotted frog (*Rana luteiventris), and greater sage-grouse (Centrocercus urophasianus).* Several sensitive species have also been documented on the District. Threatened, endangered, and sensitive species can be found in a variety of habitat available on the District including lakes, streams, sagebrush steppe, ponderosa pine, and cliff. Federally listed and BLM sensitive species that may be present are listed below in Tables 1 and 2.

Table 1. Federally listed species known or suspected to occur on Burns District.

FEDERALLY THREATENED, ENDANGERED and CANDIDATE SPECIES	
COMMON NAME	LATIN NAME
Columbia spotted frog (C)	*Rana luteiventris*
Borax Lake chub(E)	*Gila boraxobius*
Lahontan cutthroat trout(T)	*Oncorhynchus clarki henshawi*
bull trout(T)	*Salvelinus confluentus*
greater sage-grouse(C)	*Centrocercus urophasianus*

Table 2. BLM designated sensitive species known or suspected to occur on Burns District.

BLM SPECIAL STATUS SPECIES	
COMMON NAME	LATIN NAME
grasshopper sparrow	*Ammodramus savannarum*
western snowy plover	*Charadrius alexandrinus nivosus*
yellow-billed cuckoo	*Coccyzus americanus*
trumpeter swan	*Cygnus buccinator*
bobolink	*Dolichonyx oryzivorus*
snowy egret	*Egretta thula*
American peregrine falcon	*Falco peregrinus anatum*
bald eagle	*Haliaeetus leucocephalus*
Franklin's gull	*Larus pipixcan*
black rosy finch	*Leucosticte atrata*
Lewis' woodpecker	*Melanerpes lewis*
American white pelican	*Pelecanus erythrorhynchos*
white-headed woodpecker	*Picoides albolarvatus*
horned grebe	*Podiceps auritus*
pallid bat	*Antrozous pallidus*
pygmy rabbit	*Brachylagus idahoensis*
Townsend's big-eared bat	*Corynorhinus townsendii*
spotted bat	*Euderma maculatum*
California wolverine	*Gulo gulo luteus*
fringed myotis	*Myotis thysanodes*
Kit fox	*Vulpes macrotis*
Alvord chub	*Gila alvordensis*
Catlow tui chub	*Gila bicolor ssp.*
inland redband trout (all stocks)	*Oncorhynchus mykiss*
western ridged mussel	*Gonidea angulata*
Donner und Blitzen pebblesnail	*Fluminicola insolitus*
Jackson Lake springsnail	*Pyrgulopsis robusta*
Harney hot spring shore bug	*Micracanthia fennica*

Environmental Consequences

Alternative 1, No Action

Minimum impact commercial film permits would be required to undergo separate site-specific appropriate Environmental Analysis. This may dissuade some permit applicants whose intent is to distribute films for commercial purposes. Requiring a separate EA process for each application for activities in WSAs may result in fewer applicants filming on public lands and slightly less disturbance to Federally listed T/E or BLM SSS. Appropriate stipulations for avoidance of priority T/E or BLM SSS critical habitats such as distance or timing restrictions would be included in any environmental analysis and would reduce impacts to migratory birds to unmeasurable levels. Noncommercial filming or casual use filming may still occur. Casual use filming is uncontrolled but occurs at levels low enough that no affects would occur to T/E or BLM SSS or critical habitat.

Alternative 2, Proposed Action

Depending on the location, duration, and time of year, minimum impact commercial filming may affect, but is not likely to adversely affect Federally listed T/E species. This action would affect Federal Candidate or BLM SSS. Under the Proposed Action, no changes to vegetation would occur, resulting in no loss of nesting, foraging, or cover habitat for these species. Disturbance associated with minimum impact commercial filming would generally be small scale and temporary in nature, but potentially cause short-term (less than a day) displacement of these species in the immediate filming area. The proposed spatial and temporal buffers around sensitive habitat (i.e., nests, leks) and other minimum criteria should prevent any appreciable disturbance to Federally listed T/E, Candidate or BLM SSS or their habitat. Each new permit proposal would need to be reviewed by a wildlife or fisheries biologist to determine potential impacts and appropriate stipulations.

There would be no cumulative impacts from projects of this type to any Federally listed or BLM SSS since the project duration is short, habitats for listed species would be avoided and no habitat modifications would occur. Other habitat improvement projects such as those listed under the Migratory Birds section would have no cumulative impacts to Federally listed species but may have some impacts on BLM SSS such as short term (<10 years) loss of habitat in specific parts of the Project Areas but long-term improvement of those affected habitat.

Wildlife

Would minimum impact commercial film permits cause appreciable displacement of wildlife?

The District supports a great diversity of wildlife species due to the wide variety of habitat types found on the District, including ponderosa pine (*Pinus ponderosa*) forests, juniper (*Juniperus occidentalis*) woodlands, sagebrush steppe, playas, rivers and streams, mountains, and cliffs. Several species of large ungulates, small mammals, reptiles, and amphibians are present on the District. All habitat types are used to some extent by wildlife; however, wetlands and riparian areas are often more critical for wildlife than other types. Riparian areas and wetlands make up only a fraction of the habitat on the District, but tend to support higher species diversity and abundance than other areas (Thomas et al. 1979).

Environmental Consequences

Alternative 1, No Action

Minimum impact commercial film permits would be required to undergo separate site-specific appropriate Environmental Analysis. This may dissuade some permit applicants whose intent is to distribute films for commercial purposes. Requiring a separate EA process for each application for activities in WSA may result in fewer applicants filming on public lands and slightly less disturbance to wildlife. Appropriate stipulations for protection of priority wildlife habitats such as distance or timing restrictions would be included in any environmental analysis and would reduce impacts to wildlife to unmeasurable levels.

Noncommercial filming or casual use filming may still occur. Casual use filming is uncontrolled but occurs at levels low enough that no affects would occur to wildlife.

Alternative 2, Proposed Action

Depending on the location, duration, and time of year, minimum impact commercial filming may affect wildlife. Under the Proposed Action, no changes to vegetation would occur, resulting in no loss of fawning, nesting, foraging, or cover habitat for wildlife. Disturbance associated with minimum impact commercial filming would generally be small scale and temporary in nature, but potentially cause short-term (less than a day) displacement of wildlife in the immediate filming area. The proposed spatial and temporal buffers around sensitive habitat (i.e., nests) and other project stipulations should prevent any appreciable disturbance to wildlife species or their habitat. Each new permit proposal would need to be reviewed by a wildlife or fisheries biologist to determine potential impacts and appropriate stipulations.

There would be no cumulative impacts from projects of this type to wildlife since sensitive habitats would be avoided and timing would avoid critical life history events. Other projects such as North Steens Ecosystem Restoration Project, Five Creeks, Otis Mountain, and other habitat improvement projects could change the character of wildlife habitat to a greater extent and for a longer period of time than any possible filming project covered under the scope of this EA.

Wilderness Study Areas

Affected Environment

Wilderness characteristics within WSAs include naturalness, outstanding opportunities for solitude or primitive and unconfined recreation, and the presence of supplemental values. The following definitions are from BLM Manual Handbook H-8550-1 – Interim Management Policy for Lands under Wilderness Review.

Naturalness refers to an area which "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable."

Solitude is defined as "the state of being alone or remote from habitations; isolation. A lonely, unfrequented, or secluded place."

Primitive and Unconfined Recreation is defined as nonmotorized and undeveloped types of outdoor recreation activities.

Supplemental Values are listed in the Wilderness Act as "ecological, geological, or other features of scientific, educational, scenic, or historical value." *Ways* refer to motorized routes in WSAs, "maintained solely by the passage of vehicles and which have not been improved and/or maintained by mechanical means to ensure relatively regular and continuous use."

Wilderness characteristics of the WSAs are summarized below from Volume III of the Oregon Wilderness Environmental Impact Statement, 1989.

Burns District includes 24 WSAs containing approximately 756,745 acres; all are in a generally natural condition. Throughout these WSAs juniper, mountain mahogany, aspen stands, big and low sagebrush, as well as a variety of grasses are the dominate vegetation. The WSAs contain a variety of wildlife habitats with a diversity of animals including elk, mule deer, pronghorn antelope, bighorn sheep, and chukars. Unnatural features in the WSAs currently consist of reservoirs, developed springs, wildlife guzzlers, ways, fences, old homesteads, crested wheatgrass seedings, pipelines, power lines, and old mining prospects. Influences to naturalness from developments outside of the WSA consist primarily of boundary roads, power lines, and a few water developments.

WSAs have outstanding opportunities for solitude and primitive and unconfined recreation. They have outstanding opportunities for solitude due to their configuration and topography. Their diverse landscapes include rugged ridges with steep escarpments, high-elevation basins and meadows, deeply-cut drainages, and lava cliffs. Vegetative screening also enhances opportunities for solitude. Recreational opportunities include hunting, backpacking, wildlife viewing, camping, horseback riding, sightseeing, wildlife viewing, and photography.

Supplemental values of WSAs are scenic qualities and wildlife. Topography of some WSAs offers spectacular scenery of ridges covered by juniper and sagebrush, intermixed with outcroppings of dark basalt rock. Special wildlife features include greater sage-grouse strutting grounds and mule deer and elk winter range. Though not specifically mentioned as a special feature in the 1989 Wilderness Study Report, wild horses are present in some WSAs and are generally considered a special feature that enhances the wilderness experience of some visitors.

Environmental Consequences

Alternative 1, No Action

No changes to naturalness associated with the imprints of humans, solitude, primitive and unconfined recreation in the 24 WSAs are expected.

Alternative 2, Proposed Action

Naturalness: There are no proposed permanent facilities/structures associated with the film permits and the permits would have to meet minimum impact guidelines as outlined in Appendix A. Therefore, there would be no affects to naturalness.

Solitude: Under the Proposed Action, any encounters with visitors occurring during the filming process could cause temporary (10 days) loss of solitude in the immediate area of filming. Effects to solitude are expected to be negligible for the WSAs as a whole, given the short-term and localized nature of the Proposed Action. There would be no long-term impacts to solitude.

Primitive and Unconfined Recreation: Some visitor's primitive and unconfined recreation could be affected by the film crew's equipment in the WSAs but the effects would be temporary (10 days, and no more than 12 people). There would be no long-term impacts to primitive and unconfined recreation.

Supplemental Values: Wildlife disturbance associated with the Proposed Action would generally be temporary in nature (10 days) and would consist of displacement of wildlife in the immediate filming area. Wildlife is addressed in more detail in respective sections in this chapter. No other supplemental values would be affected from the Proposed Action. There would be no long-term impacts to supplemental values.

Realty and Access

How would taking no action on this EA affect proponents applying for film permits and the BLM?

Affected Environment

Currently the Burns District BLM office receives up to three minimum impact film permit applications each year. Each of these film permits are issued for District lands having no special designation. They are generally for small 1 to 2 person operations involving handheld cameras and few props. Prior to 2005, minimum impact commercial film permits were allowed in Alvord Desert and on cherry stemmed roads. In 2005 the IMP was implemented, this no longer allowed minimum impact film permits on certain areas of the District without an EA. Since that time, contact has been made by various companies wishing to film in one of the "special areas" on the District. These companies have been told that an EA would have to be completed, specifically for activities within WSAs, taking 90 to 120 days and costing them a minimum processing fee of $1,057.00. To date, all these contacts have not pursued a film permit and BLM assumes this is due to time and cost constraints.

Alternative 1, No Action

Under the No Action Alternative, all minimum impact commercial filming would have to go through the site-specific process requiring appropriate NEPA analysis. Based on Realty Specialist knowledge, up to three permits per year walk away due to timing and cost constraints of preparing EAs for activities in WSAs.

Alternative 2, Proposed Action

By implementing the Proposed Action it is assumed Burns BLM would see an increase in film permit requests by approximately one per year. It is also assumed as knowledge of these points as possible film areas increases, permit applications to film there would also increase.

Since 2005 approximately 5 to 15 permits have not been processed on the District. By implementing the Proposed Action land use authorizations for minimal impact filming activities would increase.

CUMULATIVE IMPACTS

As the Council on Environmental Quality (CEQ), in guidance issued on June 24, 2005, points out, the "environmental analysis required under NEPA is forward-looking," and review of past actions is required only "to the extent that this review informs agency decision-making regarding the Proposed Action." Use of information on the effects on past action may be useful in two ways according to the CEQ guidance. One is for consideration of the Proposed Action's cumulative effects, and secondly as a basis for identifying the Proposed Action's effects.

The CEQ stated in this guidance that "[g]enerally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions." This is because a description of the current state of the environment inherently includes the effects of past actions.

The CEQ guidance specifies that the "CEQ regulations do not require the consideration of the individual effects of all past actions to determine the present effects of past actions." Our information on the current environmental condition is more comprehensive and more accurate for establishing a useful starting point for a cumulative effects analysis, than attempting to establish such a starting point by adding up the described effects of individual past actions to some environmental baseline condition in the past that, unlike current conditions, can no longer be verified by direct examination.

The second area in which the CEQ guidance states that information on past actions may be useful is in "illuminating or predicting the direct and indirect effects of a Proposed Action." The usefulness of such information is limited by the fact that it is anecdotal only, and extrapolation of data from such singular experiences is not generally accepted as a reliable predictor of effects.

However, "experience with and information about past direct and indirect effects of individual past actions" have been found useful in "illuminating or predicting the direct and indirect effects" of the Proposed Action in the following instances: the basis for predicting the effects of the Proposed Action and its alternatives is based on the general accumulated experience of the resource professionals in the agency with similar actions.

The environmental consequences discussion described all expected effects including direct, indirect and cumulative on resources from enacting the proposed alternatives. Direct and indirect effects plus past actions become part of the cumulative effects analysis; therefore, use of these words may not appear. The EA described the current state of the environment (Affected Environment by Resource, Chapter III) which included the effects of past actions.

RFFAs include those Federal and non-Federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision. These Federal and non-Federal activities that must be taken into account in the analysis of cumulative impact include, but are not limited to, activities for which there are existing decisions, funding, or proposals identified by the bureau. RFFAs do not include those actions that are highly speculative or indefinite. RFFAs within the analysis area include North Steens Ecosystem Restoration Project, Five Creeks, and Otis Mountain.

Where applicable, cumulative effects were thoroughly addressed throughout Chapter III by resource.

CHAPTER IV: PERSONS, GROUPS, AND AGENCIES CONSULTED

Copies of the EA were mailed to the mailing list category listed below:

Code No.	Name of Category
1	Harney County Improvement Board
3	Steen Mountain Advisory Council
34	Wilderness
48	Steens Wilderness Inholders
55	Travel Plan
56	Southeast Oregon Resource Advisory Council

In addition to the above:

All Prior Film Permit Holders
Burns Paiute Tribal Council
Harney County Chamber of Commerce
Harney County Court/Harney County Judge
Harney County Economic Development Coordinator
Oregon Department of Fish and Wildlife
Oregon Natural Desert Association
Oregon State Film Commission
The Nature Conservancy
U.S. Fish and Wildlife Service

Notice of the Proposed Action was posted on the BLM Burns District Web site at: http://www.blm.gov/or/districts/burns/index.php.

List of Preparers

An IDT reviewed the Proposed Action. Their findings are included in Elements of the Human Environment Checklist included in Chapter III.

Bill Andersen, District Rangeland Management Specialist
Daryl Bingham, Natural Resource Specialist
Jason Brewer, Wildlife Biologist
Eric Haakenson, Wilderness Outdoor Recreation Planner
Rhonda Karges, Planning and Environmental Coordinator
Mike Kelly, Outdoor Recreation Planner
Doug Linn, Botanist
Gary McFadden, Wild Horse Management Specialist
Tara McLain, Realty Specialist
Tim Newkirk, Forester
Matt Obradovich, Wildlife Biologist
Holly Orr, Realty Specialist
Marsha Reponen, Resource Assistant/HazMat Coordinator
Dan Ridenour, District Fuels Specialist
Scott Thomas, District Archaeologist

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

In Reply Refer To:
2920 (260)

November 29, 1993

EMS Transmission 11/29/93
Instruction Memorandum No. 94-59
Expires 9/30/94

To: AFOs and Ads

From: Director

Subject: Guidelines for Determining Minimum Impact Permits Under 43 CFR 2920

This memorandum establishes guidelines for determining when a filming permit application qualifies as a minimum impact permit, as defined in 43 CFR 2920.2-2. Although the minimum impact provisions of 43 CFR 2920 apply to all land use authorizations, the Assistant Secretary for Lands and Minerals management has agreed to only exercise his authority, when deemed necessary, for the approval of filming permits that meet the minimum impact criteria. For activities and locations not listed below, the field official must use discretion when making minimum impact determinations where situations have potential for resource damage or controversy.

The proposed filming activity should be analyzed using the following guidelines:

1. Filming permits will not be issued in designated Wilderness Areas due to the prohibition in Section 4 (c) of the Wilderness Act, as they constitute commercial enterprises.

2. A filming or video activity is <u>more</u> than minimum impact under any <u>one</u> of the following conditions:

   a. <u>Location Variables</u>

      1. When any sensitive habitat or species may be impacted.
      2. When a Native American sacred site may be impacted.

   b. <u>Activity Variables</u>

      1. Major use of pyrotechnics
      2. More than minimum impacts to land, air, or water
      3. Use of explosives
      4. Use of exotic species with a danger of introduction into the area
      5. Disturbance (any alteration or change that has a negative effect) to sensitive surface resource values including:
         a. Historical, cultural, or paleontology sites
         b. Sensitive soils
         c. Relict environments
         d. Wetlands or riparian area
         e. Areas of Critical Environmental Concern
      6. Use of Heavy Equipment

3. A filming or video activity is <u>more</u> than minimum impact, if the proposed activity meets at least one variable in <u>both</u> a and b;

a. Location Variables

1. Bureau of Land Management (BLM) designated Wilderness Study Areas
2. Wild and Scenic River Corridors
3. Congressionally Proposed Wilderness Areas
4. National Register Site

b. Activity Variables

1. Vehicles off mechanically constructed roads
2. Set construction
3. Significant restriction of public access
4. Significant use of domestic livestock
5. Aircraft (helicopter, fixed wing, or hot air balloons) taking off and landing or overflights of less than 1000 feet
6. 15 or more production vehicles
7. 75 or more people
8. Activity continues in excess of 10 days

These guidelines would normally be used in areas that do not have a programmatic environmental analysis (EA) prepared specifically for filming. Where programmatic Eas are in place and were prepared with full public participation, the criteria established in the EA for minimum impact should be adhered to. In addition, existing and any future programmatic EAs should be reviewed to assure they adequately address the parameters identified in these guidelines.

These guidelines should be discussed with potential applicants at the pre-application stage. In most instances, filming and video personnel will opt to change locations to areas that will not cause long delays or create controversy. If a location or activity is insisted upon by the film or video representative, they know the timeframes and risks upfront and can at least make an informed decision.

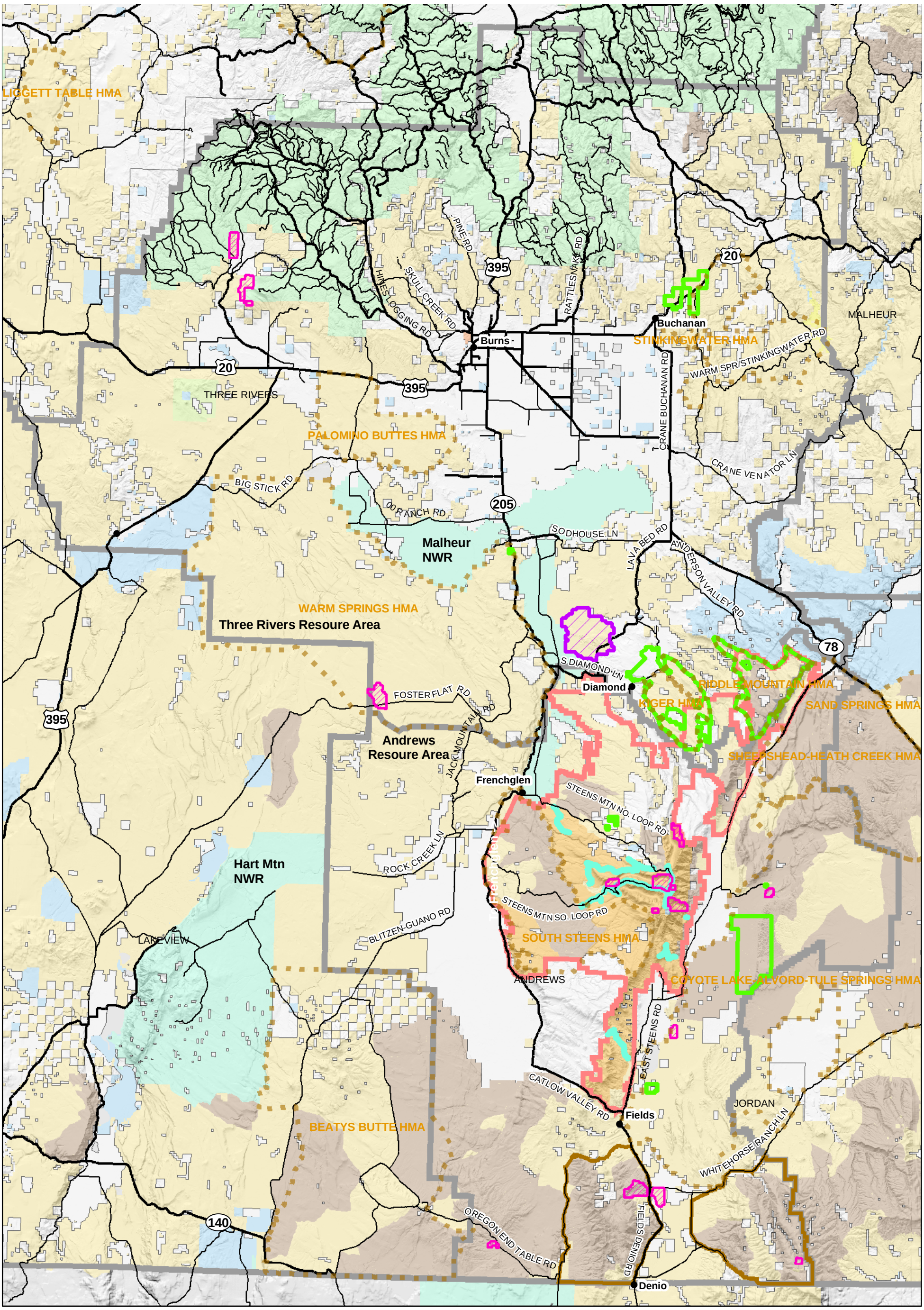
Major concerns of the filming industry include knowing who to contact upfront and identifying parties who may have concerns that may delay or jeopardize a filming or video activity. Although the local BLM Office is responsible for the review of the film permit application, there are many other Federal, State and local entities that may have concerns or comments regarding the activity. Therefore, it is important that field officials identify these entities and their potential concerns (if known), during the pre-application stage. The following list of potentially affected parties should be discussed with the applicant:

1. Other land management agencies
2. Affected adjacent land owners
3. State agencies
4. Local film commission
5. Local government and organizations
6. Environmental organizations
7. Tribal entities
8. Other authorized users
9. Federal agencies

Those permits that meet the minimum impact criteria and must be expedited, will be processed in accordance with Instruction Memorandums No. 93-144, 93-144, Change 1, and 93-347. Programmatic Eas have streamlined the processing time at the field level, but they do not shorten the length of time that it takes the Washington Office to obtain approval by the Assistant Secretary. To date, the Washington Office has been able to meet short time frames, however, the field needs to allow the Washington Office a minimum of three (3) working days to obtain Secretarial approval of filming permits.

Questions should be directed to Ray Brady, Chief, Division of Lands (WO 260) at (202) 452-7773.

Signed by Mike Penfold, Assistant Director, Land and Renewable Resources



Diamond Craters
RNA
ACEC
HMA
Cherry Stemmed Roads Within The Steens Wilderness
Paved Road
Non-Paved Improved Road

CMPA
SRMA
Burns District Resource Area Boundary
Three Rivers and Andrews Resource Areas
BLM Land
BLM Wilderness
WSA

U.S. Fish and Wildlife Land
U.S. Forest Service Land
Bureau of Reclamation Land
Northern Great Basin Experimental Range
Indian Reservation
Private Land
State Land

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification. Ownership boundaries are accurate to within plus or minus 200 feet. Make local inquiry of road conditions in remote areas. Some roads are impassable following severe weather. Roads shown may not be all existing roads. Always seek private landowner permission before using or crossing their lands.

US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

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N

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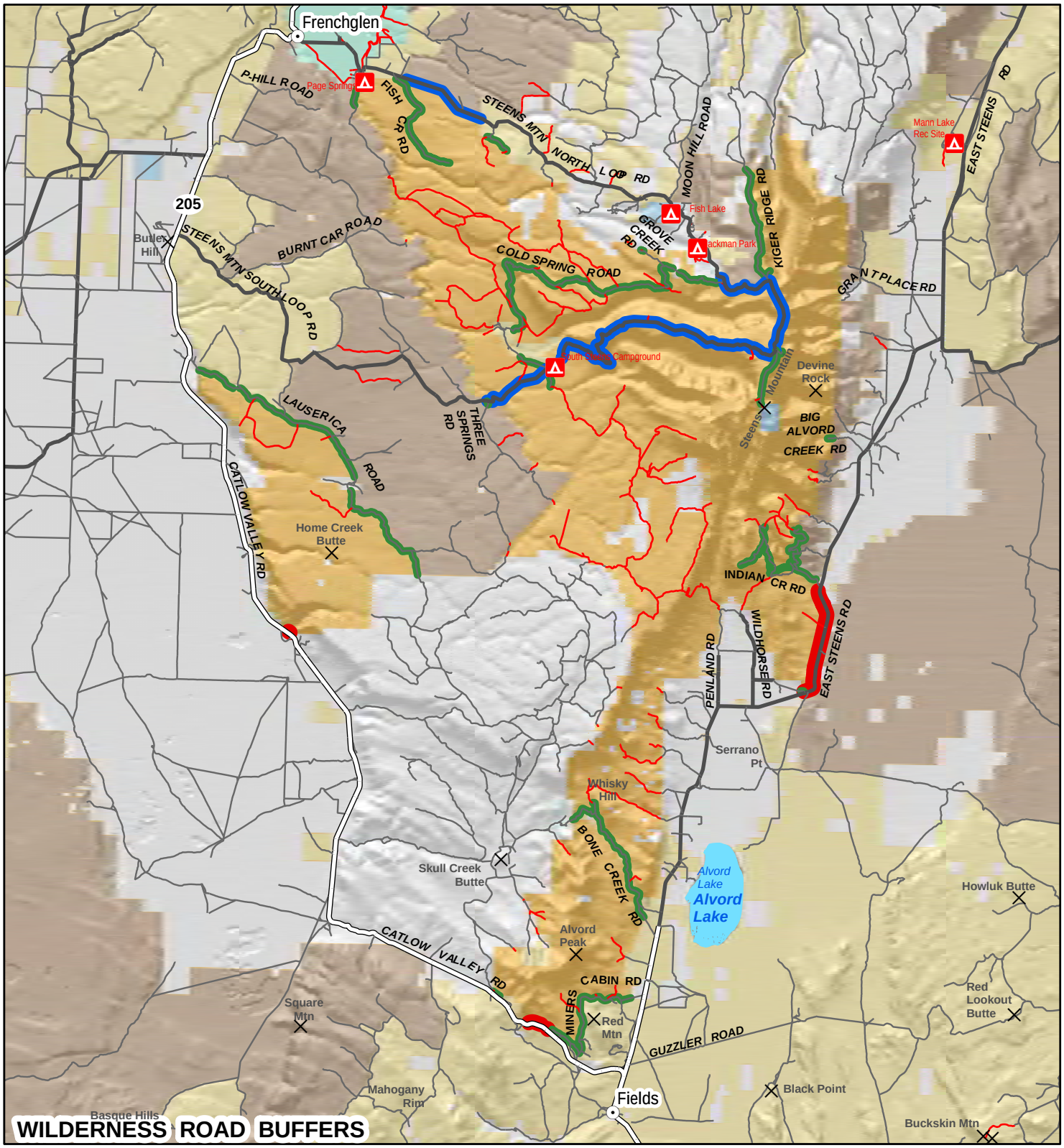
Exhibit A: Minimum Impact Commercial Filming



Steens Mtn. Wilderness Road Buffer Distance

- 30 Foot Radial Road Buffer
- 100 Foot Radial Road Buffer
- 300 Foot Radial Road Buffer
- Paved Road
- Non-Paved Improved Road
- Primitive or Unknown Road Condition
- Closed Road

Vicinity Land Status

Land Administration

- Bureau of Land Management
- BLM Wilderness Study Area
- BLM Wilderness
- State
- U.S. Fish and Wildlife
- Private

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification. Ownership Boundaries are accurate within plus or minus 200 feet.

US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon
Andrews Resource Area

/maps/mxd/khazen/SteensActRoadBuf.mxd;
December 23, 2008 For Laura Dowlan
see also SteensActRoadBuf.pdf

0 1.25 2.5 5 Miles