

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

CATEGORICAL EXCLUSION REVIEW

DOI-BLM-ORE060-2012-0032-CX

Film Permit: Snake Oil Production

A. Background

Location:

The general project area is the Eugene District Bureau of Land Management (BLM), within T. 22S., R. 4W., Section 1 and T. 22. R. 1W., Sections 21 and 22.

Description of Proposed Action:

Snake Oil productions has applied for a short-term film permit to shoot portions of an episode for the series, "Finding Bigfoot." Filming would occur between the dates of August 19 – 27. The actual film shoot would only be 1 to 2 days, including an "overnight investigation" that would take place until 3 a.m. No disturbance of public lands, other than the use of existing facilities, would be authorized. The 2920 permit and special provisions are attached.

Project Specifics:

- The Finding Bigfoot production staff have partnered with the Pacific Tree Climbing Association to place a cast member high in a tree, of sufficient height and diameter, using a system of pulleys and ropes. This cast member would be using thermal imaging during the overnight portion of the shoot.
- Approximately 17 cast and crew would be on location.
- Four SUVs would be used to transport cast and crew. Vehicles would be restricted to existing roads.
- One 15-foot U-Haul Box truck would be used to transport equipment and support supplies.

B. Plan Conformance Review:

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Sherman, et al.*, No. 08-1067-JCC (W.D. Wash.), granting Plaintiffs' motion for partial summary judgment and finding NEPA violations in the *Final Supplemental to the 2004 Supplemental Environmental Impact Statement to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines* (USDA and USDI, June 2007). In response, parties entered into settlement negotiations in April 2010, and the Court filed approval of the resulting Settlement Agreement on July 6, 2011. Projects that are within the range of the northern spotted owl are subject to the survey and management standards and guidelines in the 2001 ROD, as modified by the 2011 Settlement Agreement.

The proposed action is not a habitat-disturbing activity as described in the 2001 Survey and Manage Standards and Guidelines (p. 22). No habitat will be altered, and any disturbance caused will be so spatially localized and of such short duration and low intensity that it would not have a significant negative impact on any Survey and Manage species. Therefore, no surveys or known site management would be required.

The proposed action is in conformance with the Eugene District Resource Management Plan (RMP, 1995), as amended.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 (E) (19), – *Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.*

The categorical exclusion is appropriate because there are no extraordinary circumstances potentially having effects that may significantly affect the environment, as documented in the following table. The proposed action is reviewed below, and none of the extraordinary circumstances described in 516 DM 2 apply.

D. Extraordinary Circumstances Checklist

Review the proposed action against each of the 12 “extraordinary circumstances” listed below. Any action that is normally categorically excluded must be subjected to sufficient environmental review to determine whether it meets any of the extraordinary circumstances, in which case, further analysis and environmental documents must be prepared for the action. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

Extraordinary Circumstances	YES	NO
<p>1. Have significant impacts on public health or safety. <u>Rationale:</u> All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety.</p>		X
<p>2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. <u>Rationale:</u> The proposed project area is not near any of the special areas listed above.</p>		X
<p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. <u>Rationale:</u> There are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses.</p>		X
<p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <u>Rationale:</u> There are no predicted effects from the proposed action that are highly uncertain, potentially significant, unique, or unknown risks.</p>		X
<p>5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <u>Rationale:</u> There is no evidence that this action has potentially significant environmental effects.</p>		X

Extraordinary Circumstances	YES	NO
<p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <u>Rationale:</u> One to two days of filming on public land will not have significant direct, indirect, or cumulative effects.</p>		X
<p>7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office. <u>Rationale:</u> No properties listed, or eligible for listing, on the National Register of Historic Places are located within the units of the proposed action.</p>		X
<p>8. Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. <u>No ground disturbing activities or removal of habitat is associated with this project.</u> After filming, the area would be left in its original condition.</p>		X
<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <u>Rationale:</u> The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.</p>		X
<p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898). <u>Rationale:</u> This project would not affect low income or minority populations.</p>		X
<p>11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). <u>Rationale:</u> The project would result in cast and crew walking in and around the project area. No ground disturbing activity, such as extensive digging would occur. Vehicles would be restricted to existing roads.</p>		X
<p>12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). <u>Rationale:</u> The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area. Existing and likely continuing activities including, but not limited to, motor vehicle traffic, recreation use, rural and urban development, road construction, timber harvest, and natural processes can contribute to the introduction, existence, and spread of noxious weeds/invasive species. Vehicles accessing the project area for the proposed action would stay on existing roads (no additional roads proposed), reducing the potential of picking up and dispersing noxious weeds or seed. The proposed action does not introduce any vector for spread or introduction beyond such vectors already found.</p>		X

E. Decision:

The proposed action has been reviewed by Resource Area Staff and appropriate project Design Features as specified, will be incorporated into the proposal. Based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

Administrative Remedies

Notice of the decision to be made on the action described in this categorical exclusion will be posted on the District internet website. The action is subject to appeal to the Interior Board of Land Appeals under 43 CFR Part 4. The decision is effective upon signing by the authorized officer and shall remain in effect pending an appeal (43 CFR Part 2801.10)

Authorizing Official:

/s/ William O'Sullivan

William O'Sullivan
Upper Willamette Field Manager
Eugene District Office

8/15/12

Date: