

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE

CATEGORICAL EXCLUSION DETERMINATION AND DECISION RECORD

**Cabela Inc. Filming
Rainie Falls Trailhead and Rogue River Trailhead**

DOI-BLM-OR-M070-2015-0017CX

A. Background

Proposed Action Title: Cabela, Inc. Filming at Rainie Falls and Rogue River Trailheads

Location of Proposed Action: Rainie Falls Trailhead and one mile of trail, Rogue River Trailhead and one mile of trail. Legal location is T34S, R8W Sec. 1 and 2. The Rogue River Trailhead is in the Horseshoe Bend/Rogue River 5th field Watershed and the Rainie Falls Trailhead is in the Hellgate Canyon/Rogue River 5th field Watershed.

Land Use Allocations: The trailheads and trails are located within the ¼ mile corridor of the designated Rogue National Wild and Scenic River. The Outstandingly Remarkable Values for this river segment are fish, recreation and scenery. The project is also along the Rogue National Recreation Trail.

Proposal: Cabela Inc. is proposing a photo and video shoot to advertise Cabela's branded rainwear while hiking the trails. Two days of filming would occur on BLM administered lands. The filming would occur on March 11 and 12, 2015. Total personnel on site would be 10, including the crew and models. Two still and one video camera would be used. The models would be using backpacks, trekking poles and small hiking related products. Four vehicles, no larger than a mini-van or SUV would be used to transport the crew to the site. Vehicles would remain on established roads. The trails would not be closed to the public during activities, nor would any infrastructure be moved (ie. boulders, fencing, etc.) to accommodate the filming. The BLM evaluated the environmental effects and whether to issue Cabela Inc. a land use permit in a manner consistent with the Federal Land Policy and Management Act of 1976 (FLPMA). Film permits are issued under the authority of Section 302b of the FLPMA, 1976 and in regulations in 43 CFR 2920.

B. Plan Conformance

The Proposed Action is in conformance with the following plans:

- Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan FSEIS, 1994 and ROD, 1994)
- Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision (EIS, 1994 and RMP/ROD, 1995)

- Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon (FSEIS, 2004 and ROD, 2004)
- Final Supplemental Environmental Impact Statement and Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (FSEIS, 2000 and ROD, 2001)
- Medford District Integrated Weed Management Plan Environmental Assessment (1998) and tiered to the Northwest Area Noxious Weed Control Program (EIS, 1985)
- Rogue National Wild and Scenic River: Hellgate Recreation Area, Recreation Area Management Plan (2004) and PRMP/FEIS (2003)

C. Compliance with NEPA

The Proposal qualifies as a categorical exclusion as provided in the United States Department of the Interior Code of Federal Regulations (CFR) (43CFR 46). Subsection 46.210 (j) states “Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public”.

D. NEPA Categorical Exclusion Review

Title 43, Section 46.205(c) of the Code of Federal Regulations (CFR) requires the review of this action to determine if any of the following “extraordinary circumstances” (found at 43 CFR 46.215) would apply. If any of the extraordinary circumstances apply, then an otherwise categorically excluded action would require additional analysis and environmental documentation.

1. *Have significant impacts on public health or safety.*

Yes No

2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource;, park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.*

Yes No

Remarks: Although the activity would occur within the recreation section of the Rogue National Wild and Scenic River, the activity would essentially be the same as other recreational activities that occur daily within the corridor.

3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*

Yes No

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*

Yes No

5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*

Yes No

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*
Yes No
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.*
Yes No
8. *Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.*
Yes No
9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*
Yes No
10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*
Yes No
11. *Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).*
Yes No
12. *Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).*
Yes No

U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT

NEPA CATEGORICAL EXCLUSION DECISION DOCUMENTATION

Cabela Inc. Filming
Rainie Falls Trailhead and Rogue River Trailhead

DOI-BLM-OR-M070-2015-0017CX

Decision and Rationale: Based upon the attached Categorical Exclusion, it is my decision to authorize the land use permit for Cabela Inc. as described in the Proposed Action.

In addition, I have reviewed the plan conformance statement and have determined that the Proposal is in accordance with the approved land use plan and that no further environmental analysis is required. Therefore, an environmental assessment or an environmental impact statement is not needed. It is my decision to implement the Proposed Action in accordance with 43 CFR Part 4 –Administrative Remedies.



Allen Bollschweiler, Field Manager
Grants Pass Resource Area



Date

ADMINISTRATIVE REMEDIES

Administrative review of land use permit decisions requiring National Environmental Policy Act (NEPA) assessment will be available under 43 CFR Part 4 to those who have a "legally cognizable interest" to which there is a substantial likelihood that the action authorized would cause injury, and who have established themselves as a "party to the case." (See:- 43 CFR § 4.410 (a) - (c)). Other than the applicant for the Special Recreation Permit, in order to be considered a "party to the case" the person claiming to be adversely affected by the decision must show that they have notified the BLM that they have a "legally cognizable interest" and the decision on appeal has caused or is substantially likely to cause injury to that interest (See 43 CFR § 4.410(d)).

EFFECTIVE DATE OF DECISION

This is a land decision on a land use permit in accordance with BLM regulations at 43 CFR Subpart 2920. All BLM decisions under 43 CFR Subpart 2920.2-2 8(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 under part 4 of this title. However, decisions and permits issued under paragraph (a) of this section will remain in effect until stayed.

RIGHT OF APPEAL

This decision may be appealed to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (Board) by those who have a “legally cognizable interest” to which there is a substantial likelihood that the action authorized in this decision would cause injury, and who have established themselves as a “party to the case.” (See 43 CFR § 4.410). If an appeal is taken, a written notice of appeal must be filed with the BLM officer who made the decision in this office by close of business (4:30 p.m.) not more than 30 days after the date of service. Faxed or e-mailed appeals will not be considered. Only signed hard copies of a notice of appeal that are delivered to the Grants Pass Field Manager 2164 NE Spalding Avenue, Grants Pass, OR 97526, will be accepted.

In addition to the applicant, in order to qualify as an appellant, a “party to the case,” you have the burden of showing possession of a “legally cognizable interest” that has a substantial likelihood of injury from the decision. (See 43 CFR § 4.410(d)). The person signing the notice of appeal has the responsibility of proving eligibility to represent the appellant before the Board under its regulations at 43 CFR § 1.3. The appellant also has the burden of showing that the decision appealed is in error. The appeal must clearly and concisely state which portion or element of the decision is being appealed and the reasons why the decision is believed to be in error. If your notice of appeal does not include a statement of reasons, such statement must be filed with this office and with the Board within 30 days after the notice of appeal was filed.

According to 43 CFR Part 4, you have the right to petition the Board to stay the implementation of the decision. Should you choose to file one, your stay request should accompany your notice of appeal. You must show standing and present reasons for requesting a stay of the decision. A petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

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

A notice of appeal with petition for stay must be served upon the Board, the Regional Solicitor and the applicant, Cabela Inc, at the same time such documents are served on the deciding official at this office. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations at 43 CFR § 4.413(a). At the end of your notice of appeal you must sign a certification that service has been or will be made in accordance with the applicable rules (i.e., 43 CFR §§ 4.410(c) and 4.413) and specify the date and manner of such service.

The Board will review any petition for a stay and may grant or deny the stay. If the Board takes no action on the stay request within 45 days of the expiration of the time for filing a notice of appeal, you may deem the request for stay as denied, and the BLM decision will remain in full force and effect until the Board makes a final ruling on the case.

For additional information concerning this project, contact Jeanne Klein, District Recreation Specialist, at (541) 618-2274.

Additional contact addresses include:

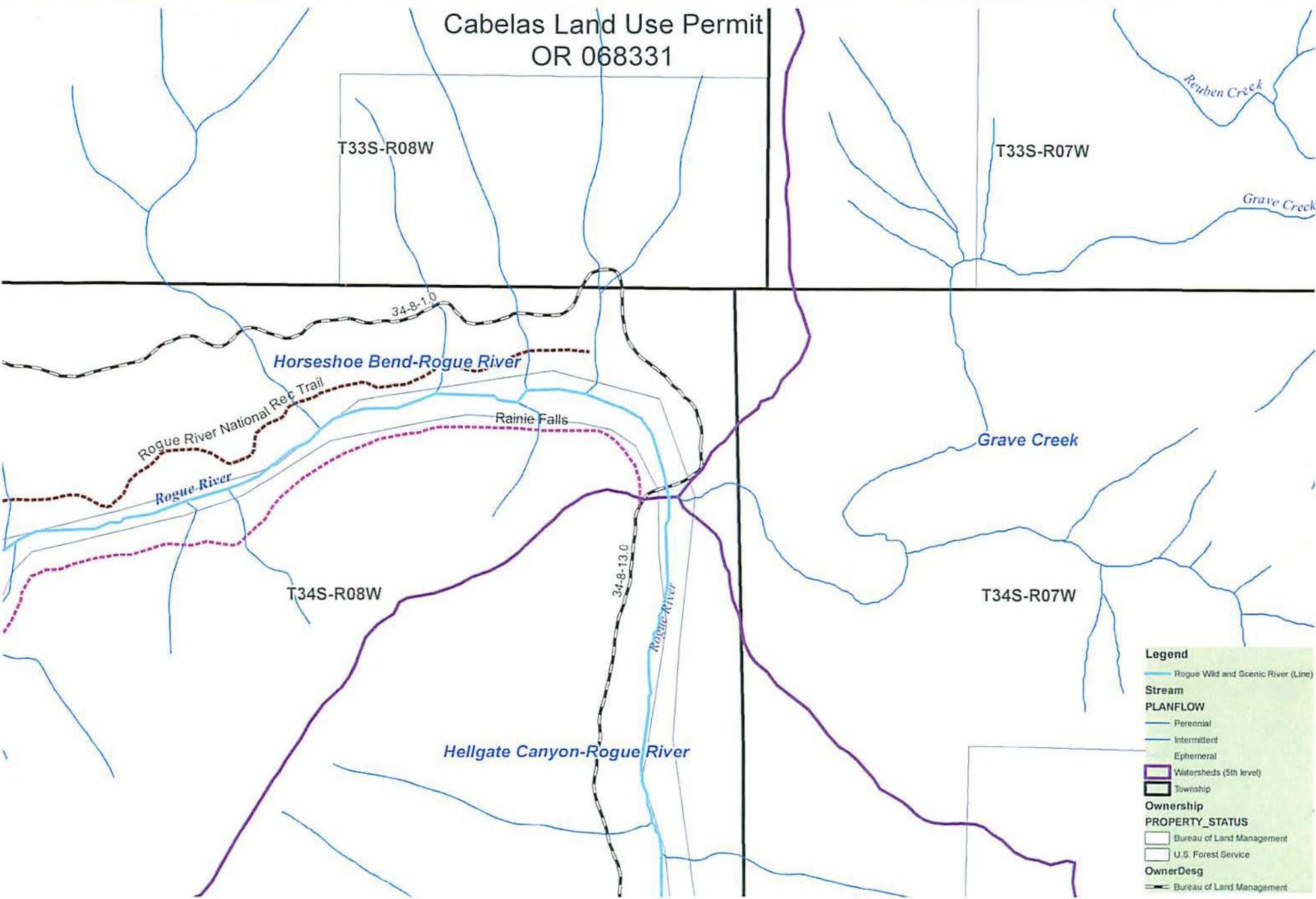
- U.S. Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy Street, MS 300-QC
Arlington, Virginia 22203
- Regional Solicitor
Pacific Northwest Region
U.S. Department of the Interior
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

Curtis Door
Cabela Inc.
1 Cabela Drive
Sidney, NE 69160

Attachment:

Map

Cabelas Land Use Permit OR 068331



Legend

- Rogue Wild and Scenic River (Line)
- Stream PLANFLOW**
 - Perennial
 - Intermittent
 - Ephemeral
- Watersheds (5th level)
- Township
- Ownership PROPERTY_STATUS**
 - Bureau of Land Management
 - U.S. Forest Service
- OwnerDesg**
 - Bureau of Land Management

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LAND USE APPLICATION AND PERMIT
(Sec. 302(b) of P.L. 94-579, October 21, 1976, 43 U.S.C. 1732)

FORM APPROVED
OMB NO. 1004-0009
Expires: March 31, 2014

FOR BUREAU OF LAND MANAGEMENT (BLM) USE ONLY

Application Number

OR 068331

1. Name (first, middle initial, and last) <i>CURTIS DOOR CABELA'S, INC.</i>	Address (include zip code) <i>1 CABELA DRIVE SIDNEY, NE 69160</i>	Phone (include area code) <i>308-255-1688 308-249-2514 C</i>
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2. Attach map or sketch showing public lands for which you are applying

3. Proposed date(s) of use: ~~from~~ *MARCH 11 & 12, 2015* ~~to~~

4. Give legal basis for holding interest in lands in the State of *OREGON*
(Check appropriate box at right and explain.)

- | | |
|---|---|
| <input type="checkbox"/> Resident | <input type="checkbox"/> Partnership |
| <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> County |
| <input type="checkbox"/> Local Government | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Other | |

5. Are the lands now improved, occupied or used? Yes No (If "yes," describe improvements and purposes, identify users and occupants.)

6. Do you need access to the land? Yes No (Describe needed or existing access)

*ACCESS TO THE TRAILS AT ROQUE RIVER TRAILHEAD AND
RAINIE FALLS TRAILHEAD.*

7a. What do you propose to use the lands for?

*COMMERCIAL PHOTOGRAPHY AND VIDEO OF CABELA'S BRANDED
CLOTHING.*

b. What improvements and/or land development do you propose? (To complete application processing, engineering and construction drawings may be required)

N/A

c. What is the estimated capital cost?

\$ N/A

d. What is the source of water for the proposed use?

N/A

I CERTIFY That the information given by me in this application is true, complete, and correct to the best of my knowledge and belief and is given in good faith.

Curtis Door

(Signature of Applicant)

2/10/15

(Date)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(Continued on page 2)

PERMIT

Permission is hereby granted to **Cabela Inc.**
of
to use the following described lands:

Permit Number
OR 068331

TOWNSHIP	RANGE	SECTION	SUBDIVISION
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Rainie Falls Trailhead and one mile of trail, Rogue River Trailhead and one mile of trail. Legal location is T34S, R8W Sec. 1 and 2. The Rogue River Trailhead is in the Horseshoe Bend/Rogue River 5th field Watershed and the Rainie Falls Trailhead is in the Hellgate Canyon/Rogue River 5th field Watershed.

Meridian	State	County	Acres (number)
Willamette	OR	Josephine	3

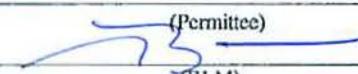
for the purpose of **Commercial filming**

and subject to the following conditions:

1. This permit is issued for the period specified below. It is revocable at the discretion of the BLM, at any time upon notice. This permit is subject to valid adverse claims heretofore or hereafter acquired.
2. This permit is subject to all applicable provisions of the regulations (43 CFR 2920) which are made a part hereof.
3. This permit may not be assigned without prior approval of the BLM.
4. Permittee must not enclose roads or trails commonly in public use.
5. Authorized representatives of the Department of the Interior, other Federal agencies, and State and local law officials will at all times have the right to enter the premises on official business.
6. Permittee must pay the United States for any damage to its property resulting from the use.
7. Permittee must notify the BLM of address change immediately.
8. Permittee must observe all Federal, State, and local laws and regulations applicable to the premises and to erection or maintenance of signs or advertising displays including the regulations for the protection of game birds and game animals, and must keep the premises in a neat, orderly, and sanitary condition.
9. Permittee must pay the BLM, in advance, the lump sum of \$ **672.00** for the period of use authorized by this permit or \$ **N/A**, annually, as rental or such other sum as may be required if a rental adjustment is made.
10. Use or occupancy of land under this permit will commence within **N/A** months from date hereof and must be exercised at least **N/A** days each year.
11. Permittee must take all reasonable precautions to prevent and suppress forest, brush, and grass fires and prevent pollution of waters on or in the vicinity of the lands.
12. Permittee must not cut any timber on the lands or remove other resources from the land without prior written permission from the BLM. Such permission may be conditioned by a requirement to pay fair market value for the timber or other resources.
13. Permittee agrees to have the serial number of this permit marked or painted on each advertising display or other facility erected or maintained under the authority of such permit.
14. This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the BLM.
15. Permittee acknowledges, by signing below, that he/she knows, understands and accepts the terms and conditions under which this permit is issued.
16. Special conditions (attach additional sheets, if necessary)

Permit issued for period

From 3/11/15
To 3/12/15


 (Permittee)
 (BLM)
 Field Manager 2/27/15
 (Title) (Date)

INSTRUCTIONS

1. Submit, in duplicate, to any local office of the Bureau of Land Management having jurisdiction of the lands.
2. Applications for Land Use Permits will not be accepted unless a notification of the availability of the land for non-BLM use (*Notice of Realty Action*) has been published in the Federal Register and for 3 weeks thereafter in a newspaper of general circulation. This provision does not apply in those situations where the publication of a (*Notice of Realty Action*) has been waived by the BLM.
3. Costs of processing the application must be paid by the applicant in advance.
4. The BLM may require additional information to process an application. Processing will be deferred until the required information is furnished by the applicant.



Bureau of Land Management
**Filming on Public
Lands**



Required Form --
**DETAILED
DESCRIPTION OF
FILMING ACTIVITY**

Print this form, fill it in, and send it to the appropriate BLM office.

1. Company Name:

Cabela's, Inc.

2. Production Manager &Phone #:

Will Schwark 308-250-3773 C 308-255-1960 W

3. Alternate Contact &Phone #:

Tim Boothby 970-580-9611 C 308-255-2009 W

4. Site Location/Name:

Rainie Falls Trailhead/Rogue River Trail

5. Specific location (ie, what part of lake bed/dunes,etc.):

Trials leading from within 1 mile of these trailheads

6. Dates & hours of use:

March 11 & 12, 2015 7am-10am and 2pm-7pm

7. Number of personnel to be on location (include everyone):

10

8. Animals to be on location:

N/A

9. Describe activity to occur in detail (if possible, attach a copy of the story board):

We will photograph and video 2 models wearing Cabela's branded rainwear while hiking the trails.

10. List numbers and type of equipment, vehicles, and aircraft to be on location:

Cameras:

2 still 1 video

Small vehicles (<than one ton):

4 vehicles no larger than a minivan or SUV.

Large vehicles:(>than one ton):

Aircraft:(numbers and type):

N/A

11. Describe props and sets to be used/constructed:

The props are the clothing the models are wearing plus backpacks, trekking poles or small hiking related products.

12. Describe any explosives to be used:

N/A

13. Describe any pyrotechnics to be used:

N/A

SIGNATURE: *Chris Dorr*

DATE: 2/10/15



Rainie Falls C

Rogue River Trail T

Grave Creek Boatramp B

Rainie Falls Trailhead H

Stipulations for OR 068331

Cabelas Land Use Permit for Commercial Filming on the Rogue River Trail and Rainie Falls Trail

Vehicles would remain on established roads.

The trails would not be closed to the public during activities, nor would any infrastructure be moved (ie. boulders, fencing, etc.) to accommodate the filming.