

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

CATEGORICAL EXCLUSION DETERMINATION AND DECISION RECORD

**Canoe & Kayak, Aaron Schmidt
Filming on the Rogue River**

DOI-BLM-OR-M070-2014-015-CX

A. Background

Proposed Action Title: Canoe & Kayak, Aaron Schmidt, Filming on the Rogue River

Location of Proposed Action: Wild Section of the Rogue National Wild and Scenic River from Grave Creek to Mule Creek. The legal description is: T34S R8W Sections 1, 2, 5, 6, 36; T33S, R8W, Section 32, 33, 34; T34S R9W, Sections 1, 2; T33S, R9W, Sections 16, 17, 18, 21, 22, 23, 26, 35, 36; T33S, R10W, Sections 9, 10, 11, 12, 13.

Land Use Allocations: The project is within the designated Rogue National Wild and Scenic River. The Outstandingly Remarkable Values for this river segment are fish, recreation and scenery. The river segment's classification is recreation and wild under the Wild and Scenic River system.

Proposal: Canoe & Kayak proposes to float the Wild and Scenic Rogue River with the permitted outfitter Rogue Wilderness Adventures. This would be a 4 day float beginning at Grave Creek on August 27, 2014. The purpose of the float is to produce a 5 minute video for Canoe & Kayak's website featuring paddling opportunities in Oregon. Equipment and personnel would consist of the outfitter's boats and personnel, two cameras and Canoe & Kayak camera men, and 3 recreationists being filmed. This would be a total of 5 people associated with the filming. They will be spending 2 days; August 27 through August 28, 2014 on Bureau of Land Management (BLM) administered lands. They would continue past Mule Creek onto United States Forest Service (USFS) administered lands and takeout at Foster Bar. They would not be filming on USFS administered lands.

The proposal includes the following stipulations:

- Any equipment, props, or gear brought in for filming will be removed upon completion.
- No ground or vegetation disturbance will be allowed.
- Canoe & Kayak does not have exclusive use of the recreation sites, campsites, and river. Other visitors may utilize the areas during filming.
- Boat(s) and film crew will not block other river users.

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) (43 CFR 46). Subsection 46.210 (j) states that “Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public” qualify as categorically excluded.

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 (**X**)No
2. *Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.*
()Yes (**X**)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 (**X**)No

4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*
()Yes (**X**)No

5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*
()Yes (**X**)No

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*
()Yes (**X**)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 (**X**)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 (**X**)No

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*
()Yes (**X**)No

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*
()Yes (**X**)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 (**X**)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 (**X**)No

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

NEPA CATEGORICAL EXCLUSION DECISION DOCUMENTATION

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Decision and Rationale: Based upon the attached Categorical Exclusion, it is my decision to authorize the land use permit for Canoe & Kayak 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

8/8/14

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.” (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 (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 (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, Canoe & Kayak, 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 or Trish Lindaman, Acting District Recreation Specialist, at (541) 618-2266.

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
- Canoe & Kayak, Aaron Schmidt
236 Avenida Fabricant, Suite 201
San Clemente, CA 92672

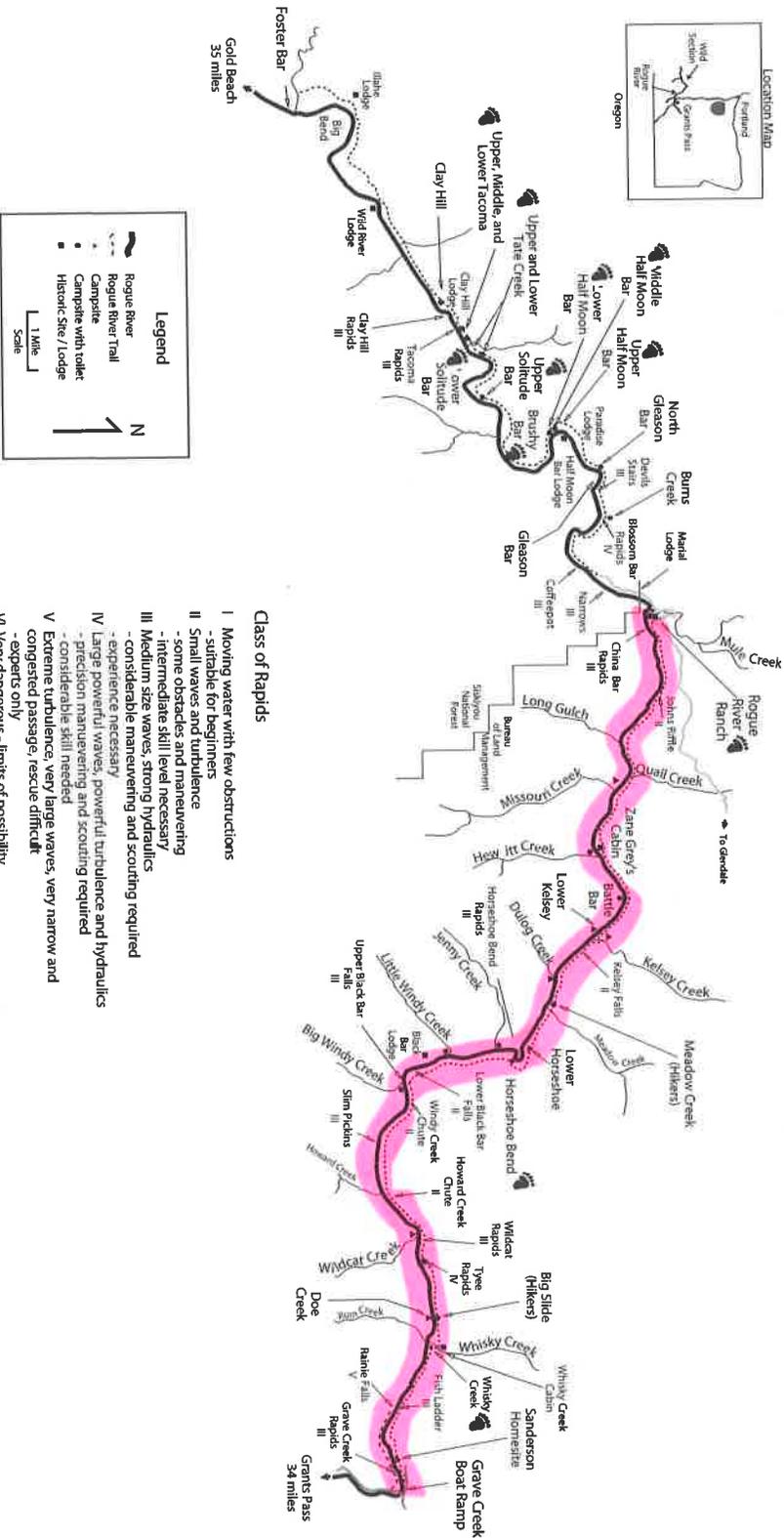
Attachment:

Map

Wild Rogue River

Canoe & Kayak filming permit area

Aug 27-28, 2014



Bear fences are located at the following sites: Whiskey Creek, Horseshoe Bend, Rogue River Ranch, Upper, Middle, and Lower Half Moon Bar, Brusby Bar, Upper and Lower Solitude, Upper and Lower Tate Creek, Upper, Middle, and Lower Tacomna.