

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

CATEGORICAL EXCLUSION DETERMINATION AND DECISION RECORD
LL Bean Inc. Filming
Pacific Crest Trail, Upper Table Rocks Trail, Sterling Mine Ditch Trail

DOI-BLM-OR-M000-2015-0002-CX

A. Background

Proposed Action Title: L.L. Bean Inc. Filming along the Pacific Crest Trail, Upper Table Rocks Trail, and Sterling Mine Ditch Trail.

Location of Proposed Action (see maps):

Pacific Crest Trail: Three miles of the Pacific Crest Trail at Hobart Bluff, from the junction of Soda Mountain Road to the north. Legal location: T40S, R3E, Sections 9 and 16.

Greensprings Mountain Loop Trail and the Pacific Crest Trail off of Little Hyatt Lake Spur Road, north for one mile. Legal location: T39S, R3E, Sections 29, 30, 31, and 32.

Upper Table Rocks Trail: Entire trail, from the trailhead to the top, including all trails on top of Upper Table Rock. Legal location: T36S, R2W, Sections 1 and 2; T35S, R2W, Sections 34 and 35.

Sterling Mine Ditch Trail: The Bear Gulch Trail and one mile of the Sterling Mine Ditch Trail in both directions from its intersection with the Bear Gulch Trail. Legal location: T39S, R2W, Sections 22 and 23.

Proposal: LL Bean Inc. is proposing a photo shoot to advertise LL Bean branded clothing while hiking portions of the Pacific Crest Trail, Greensprings Mountain Loop, Upper Table Rocks Trail, and Bear Gulch/Sterling Mine Ditch Trail. Filming would occur for two days (April 19 and 20, 2015) on BLM-administered lands. Total personnel on site would be five, including the crew and models. Two still cameras would be used. The models would be using backpacks and a tent would be set up as a prop/backdrop along the Pacific Crest Trail and Sterling Mine Ditch Trail. A tent would not be used at Upper Table Rocks. Two 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 BLM evaluated the environmental effects and whether to issue LL Bean 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 regulations in 43 CFR 2920.

B. Plan Conformance

The Proposed Action is in conformance with the Medford District Record of Decision and Resource Management Plan (ROD/RMP 1995) because it is provided for in the following land use plan objective: “Manage scenic, natural, and cultural resources to enhance visitor recreation experience expectations and satisfy public land users” (ROD/RMP, p. 63).

C. Compliance with NEPA

The Proposal is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 E(16), which allows for “acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.”

D. NEPA Categorical Exclusion Review

The BLM has reviewed the proposed action and none of the extraordinary circumstances described in 43 CFR §46.215, and listed below, rise to the level of significance. 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 **Comment:** The proposed action will be taking place on existing trails utilizing still cameras. There are no significant impacts to the public expected.

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 **Comment:** Although the activity would occur within portions of the Cascade Siskiyou National Monument, the activity would essentially be the same as other recreational activities that occur in that area. Activities would occur at existing trailheads and on existing trails which are currently open to the public.

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

Yes No **Comment:** The activity proposed is not controversial, as it includes taking still photography of actors hiking on existing trails and there are no effects expected.

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

Yes No **Comment:** The activity does not have significant environmental effects, as it includes taking still photography of actors hiking on existing trails.

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

Yes No **Comment:** No. These actions are discretionary and analyzed on a case by

case basis as to the potential for significant environmental effects. We are following current planning documents guidance on issuance of permits (i.e. no permits are being issued in the Soda Mountain Wilderness). This project will not set any precedents.

6. *Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.*

Yes No **Comment:** No other actions are proposed that would result in cumulative effects. No effects are expected.

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 **Comment:** There are no National Register of Historic Places sites in the location of the proposed activity.

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 **Comment:** The proposal includes parking at existing trailheads and hiking on existing trails which are open to the public. There is no significant impact to species or habitat.

9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*

Yes No **Comment:** There are no violations of laws expected because the use is proposed to occur on existing trails which are open to the public.

10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*

Yes No **Comment:** There is no effect to any minority populations expected.

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 **Comment:** There are no sacred sites being impacted, as the activity is being proposed on existing trails which are open to the public.

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 **Comment:** The proposed activity includes personnel hiking on existing trails. No equipment or animals will be used that could bring in noxious weeds

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Decision and Rationale: Based upon the attached Categorical Exclusion, it is my decision to authorize the land use permit for LL Bean 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.

Reviewed by:



Anthony Kerwin
District Planning and Environmental Coordinator

4-17-15

Date



Dayne Barron, District Manager
Medford District BLM

17 Apr 15

Date

ADMINISTRATIVE REMEDIES

Administrative review of land use permit decisions requiring 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 to that interest, and who have established themselves as a “party to the case” (43 CFR § 4.410 (a)–(c)). Other than the applicant for the land use 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” (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 District Manager, Medford BLM 3040 Biddle Road, Medford, OR 97504

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 (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, LL Bean 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 (e.g., 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
- U.S. Department of the Interior
Office of the Regional Solicitor
805 SW Broadway Street, Suite 600
Portland, Oregon 97205
- LL Bean Inc.
15 Casco Street
Freeport, ME 04033

Attachment:

Maps

LLBean Land Use Permit Green Springs Mtn Area OR 68395



Legend

- Township

Ownership

PROPERTY_STATUS

- Bureau of Land Management
- U.S. Forest Service

Trails

TrailUse

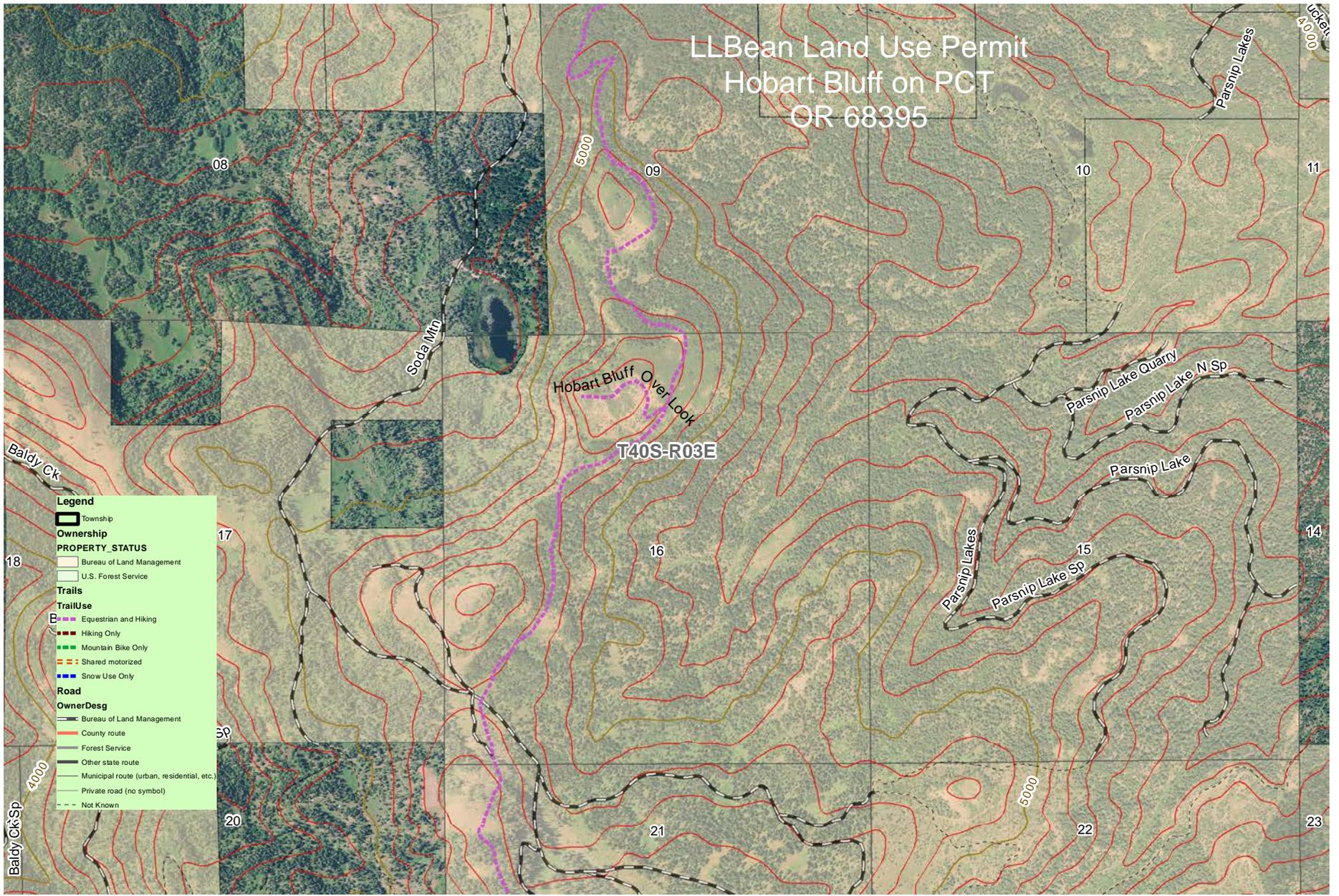
- Equestrian and Hiking
- Hiking Only
- Mountain Bike Only
- Shared motorized
- Snow Use Only

Road

OwnerDesg

- Bureau of Land Management
- County route
- Forest Service
- Other state route
- Municipal route (urban, residential, etc.)
- Private road (no symbol)
- Not Known

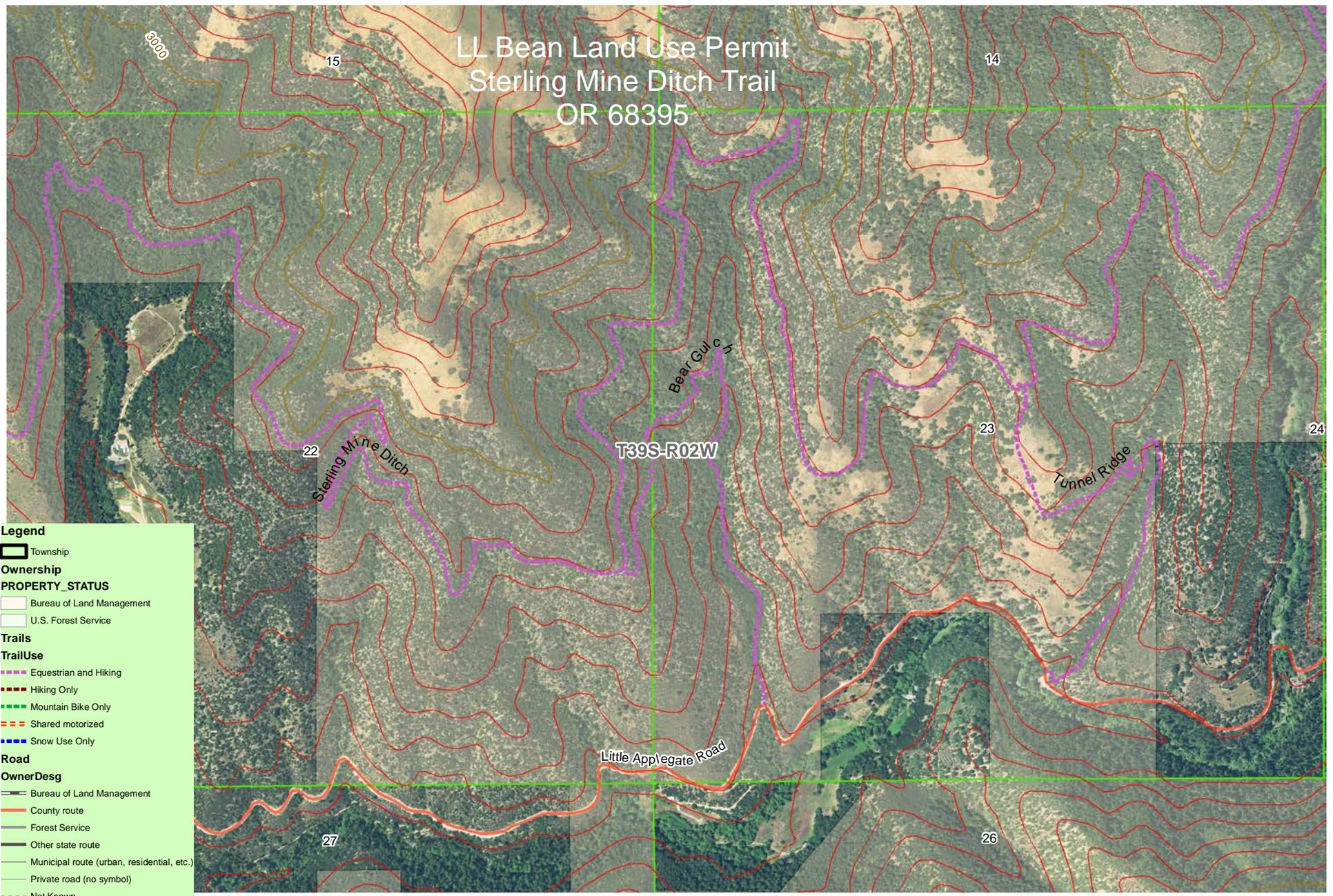
LLBean Land Use Permit
Hobart Bluff on PCT
OR 68395



Legend

- Township
- Ownership
- PROPERTY STATUS
 - Bureau of Land Management
 - U.S. Forest Service
- Trails
- TrailUse
 - Equestrian and Hiking
 - Hiking Only
 - Mountain Bike Only
 - Shared motorized
 - Snow Use Only
- Road
- OwnerDesg
 - Bureau of Land Management
 - County route
 - Forest Service
 - Other state route
 - Municipal route (urban, residential, etc.)
 - Private road (no symbol)
 - Not Known

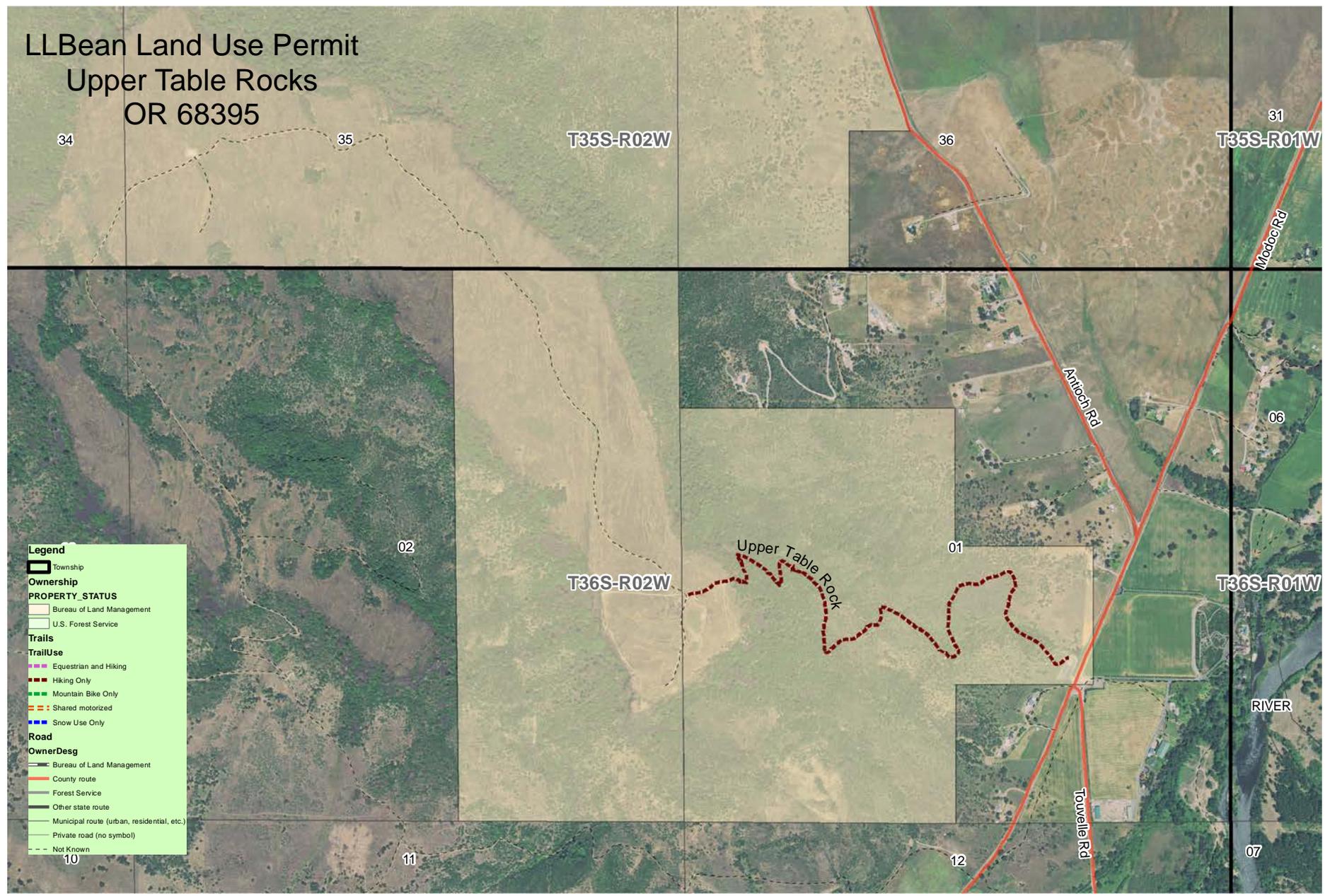
LL Bean Land Use Permit
Sterling Mine Ditch Trail
OR 68395



Legend

- Township
- Ownership**
- PROPERTY_STATUS**
- Bureau of Land Management
- U.S. Forest Service
- Trails**
- TrailUse**
- Equestrian and Hiking
- Hiking Only
- Mountain Bike Only
- Shared motorized
- Snow Use Only
- Road**
- OwnerDesg**
- Bureau of Land Management
- County route
- Forest Service
- Other state route
- Municipal route (urban, residential, etc.)
- Private road (no symbol)
- Not Known

LLBean Land Use Permit Upper Table Rocks OR 68395



Legend

- Township
- Ownership**
- PROPERTY STATUS**
- Bureau of Land Management
- U.S. Forest Service
- Trails**
- TrailUse**
- Equestrian and Hiking
- Hiking Only
- Mountain Bike Only
- Shared motorized
- Snow Use Only
- Road**
- OwnerDesg**
- Bureau of Land Management
- County route
- Forest Service
- Other state route
- Municipal route (urban, residential, etc.)
- Private road (no symbol)
- Not Known