

**UNITED STATES OF AMERICA  
DEPARTMENT OF INTERIEOR  
BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE**

**CATEGORICAL EXCLUSION DETERMINATION AND DECISION RECORD  
C4 Outdoors, Blacktail Deer Hunt for Outdoor Channel**

**DOI-BLM-OR-M000-2014-0004-CX**

**A. Background**

**Proposed Action Title:** C4 Outdoors, Blacktail Deer Hunt in Applegate Unit

**Location of Proposed Action:** Applegate Hunt Unit, which is 58% public lands. The unit begins at Grants Pass; east and southeast on I-5 to Oregon-California state line; west on state line to US Hwy 199; northeast on US Hwy 199 to Grants Pass, point of beginning (see attached map).

**Proposal:** C4 Outdoors is proposing to film with video a blacktail deer hunt from October 4-9, 2014. The filming will be taken for the Ridge Reaper television show, which airs on the Outdoor Channel. No props or sets would be used, and no aerial filming would occur. Equipment would consist of three to four small video cameras (hand held), tripods, and three small vehicles to be used on existing roads. The applicant would be hunting with Sampson Creek Outfitters, (Dwight Crump), a current Special Recreation Permittee for commercial hunting (Permit LLORM010-11-004). All stipulations of the commercial hunting permittee would be followed during the hunt. The crew would consist of four to five people, the hunting guide, the permittee, and two videographers. No additional clients are expected to be a part of the hunt. This permit covers the BLM administered portion of Applegate Hunt Unit. The BLM evaluated the environmental effects and whether to issue C4 Outdoors 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)

### C. Compliance with NEPA

The proposed action 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”.

This proposed action also qualifies as a categorical exclusion as provided in United States Department of the Interior Departmental Manual 516 DM 11.9 E (16). This section allows for *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

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 Remarks: Permittee will follow all safety requirements to assure safety of the public.

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 ( **X** )No Remarks: No such effects are expected.

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

( )Yes ( **X** )No Remarks: No controversial environmental effects or unresolved conflicts are expected.

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

( )Yes ( **X** )No Remarks: No such effects are expected.

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

( )Yes ( **X** )No Remarks: No precedent will be set by this action. Any future proposals will be assessed on their own merit.

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

( )Yes ( **X** )No Remarks: No such 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 Remarks: No such effects are expected.
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 Remarks: No such effects are expected.
9. *Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.*  
Yes No Remarks: No violations of such laws are expected.
10. *Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).*  
Yes No Remarks: No such effects are 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 Remarks: No access will be limited.
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 Remarks: No contribution to the spread of weeds is expected. Any vehicle use will be on existing roads.

**Decision and Rationale:** Based upon the attached Categorical Exclusion, it is my decision to authorize the land use permit for C4 Outdoors 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

9/29/14  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Dayne Barron, District Manager  
 Medford District

30 Sept 2014  
 \_\_\_\_\_  
 Date

## **ADMINISTRATIVE REMEDIES**

Administrative review of right-of-way 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/proponent for the right-of-way action, 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 Medford District Manager at 3040 Biddle Road, Medford, OR 97504, 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 from 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, C4 Outdoors (addresses below), 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. 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 IBLA will review any petition for a stay and may grant or deny the stay. If the IBLA 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 IBLA makes a final ruling on the case.

Appeal Format Requirements: The following are some of the formatting requirements for an appeal. A document filed in a case before IBLA must, in general, be doubled spaced (43 CFR § 4.401 (d)(2)(v)) and a Statement of Reasons may not be longer than 30 pages (43 CFR § 4.412 (a) 4.414(b)(1)). Unless the Board orders otherwise, the text of a statement of reasons may not exceed 30 pages, excluding exhibits, declarations, or other attachments (43 CFR § 4.412(a)). See 43 CFR § 4.401, 4.412, and 4.414 for more detail and other formatting requirements.

For additional information concerning this project, contact Tony Kerwin, Environmental Planner, at (541) 618-2402.

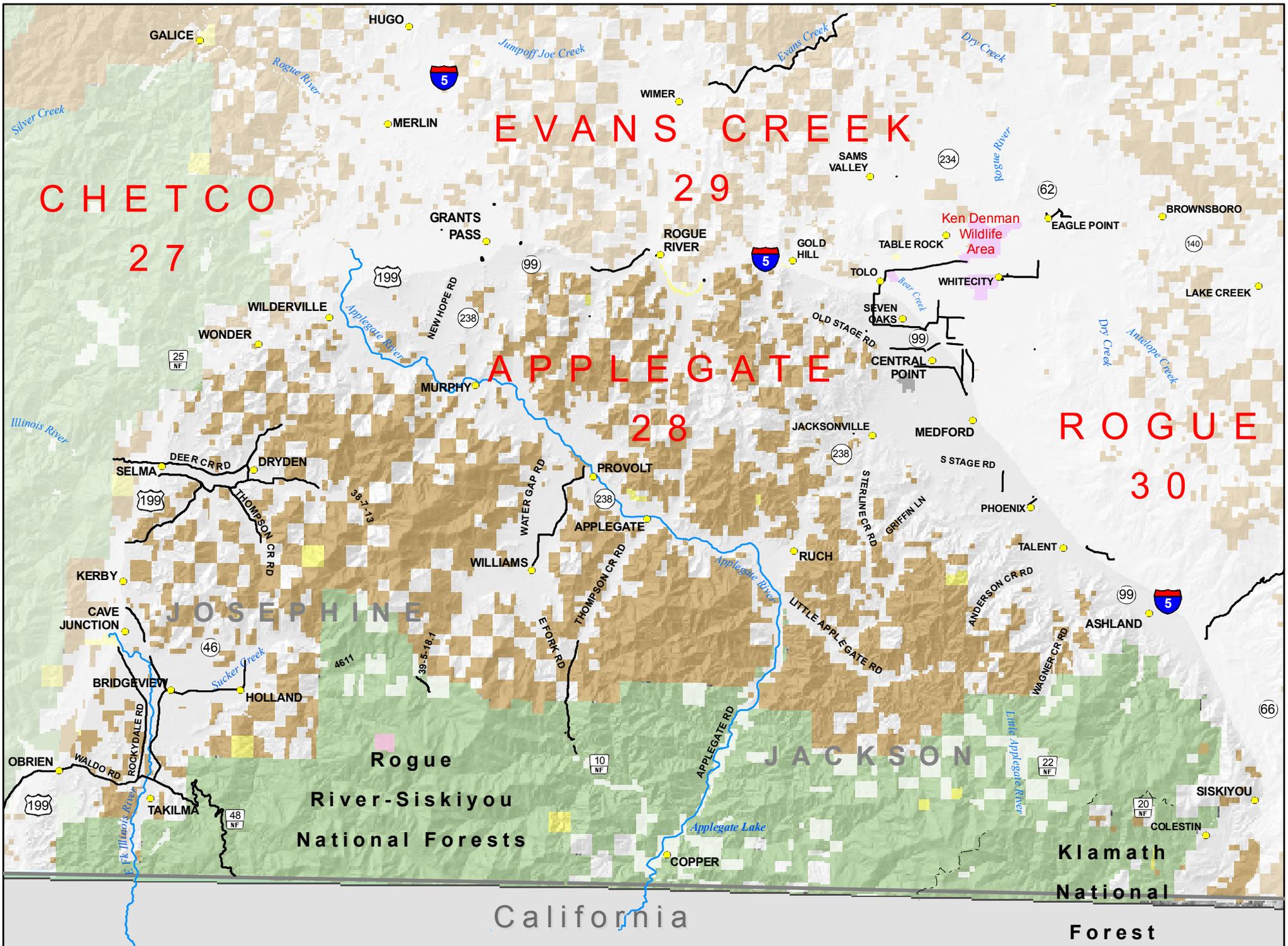
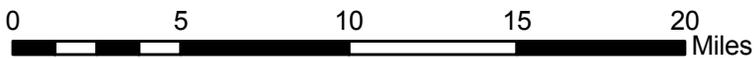
Additional contact addresses include:

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

C4 Outdoors LLC  
2217 W 2650 N.  
Cedar City, UT 84721

Attachment:  
Map



CHETCO  
27

EVANS CREEK  
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APPLEGATE  
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ROGUE  
30

JOSEPHINE

JACKSON

Rogue  
River-Siskiyou  
National Forests

Klamath  
National  
Forest

California

# Legend

 Cities

 ODFW Headquarters

 ODFW Regional Offices

 Highways

 Major Roads

 Trails

 Powerlines

 County Line

 Water Bodies

 Major Streams

 Wildlife Management Units (WMU)

 Wildlife Areas

 Private and Other Lands

 Bureau of Land Management

 Bureau of Indian Affairs

 Bureau of Reclamation

 National Park Service and U.S. Fish and Wildlife Service

 State Lands

 U.S. Forest Service