

**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
GRANTS PASS FIELD OFFICE
2164 NE Spalding Ave
Grants Pass, OR 97526**

Categorical Exclusion Determination and Decision Record

Pilgrim Studios production Film Permit OR 68400

DOI-BLM-OR-M070-2015-0019-CX

A. Background

Proposed Action Title: Pilgrim Studios filming of a CNN television show.

Location of Proposed Action:

T32S, R5W Section 23. This location is in the Quines Creek area, in Douglas County, Oregon. HUC 10: Middle Cow Creek watershed.

Land Use Allocation: Late Successional Reserve.

Proposal: Pilgrim Studios is proposing a video shoot of the organization Ascending the Giants (ATG) who will climb and measure a potential champion chinkapin tree on BLM-administered lands. ATG documents the largest “champion” trees of a given species. From their website: “The group is a mix of certified arborists, a canopy biologist, a professional photographer and a filmmaker. They use the strict measuring guidelines of the American Forest Point system and register the trees they study with the National Register of Big Trees (for national champions) and various state registries (for state champions). Often the trees ATG studies are the largest of their kind in the world. The registries encourage people to nominate any large trees they come across, but above all they value accurate measurements to establish what are truly the largest specimens.”

The filming would be done for a CNN television show which highlights people who perform unique jobs. The crew would be scouting/rigging and preparing the site on May 19, 2015 and filming would occur on May 20, 2015 on BLM-administered lands. Total personnel on site would be fifteen, including the crew, the host and the nonprofit organizations representatives. Personnel would access the site either from a BLM road system off of Quines Creek Road, or from the private land, just south of the BLM land on which the tree is located. The designated BLM roads are open and accessible. The roads consist of rock and natural surfaces. The applicant has received permission from the private landowner (who nominated the tree) to access the site through private land if necessary. Three cameras would be used, including video and still cameras. The chinkapin and one other tree (for cameras) would be rigged with counterweight pulley systems and ropes for climbing and measuring. Lines would be propelled up into the branches of the tree with a crossbow. No spikes would be inserted into the tree. Low

impact methods also leave broken and dead branches intact and limit effects to epiphyte and bryophyte communities. No temporary structures, ground clearing or vegetation clearing, or other ground disturbing activities are proposed either along the route to the tree or around the tree. Up to six small vehicles would park on either the existing BLM road or the private road and the crew would hike the 75 yards to the tree. An EMT would be on location as well. The BLM evaluated the environmental effects and whether to issue 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).

The Proposed Action is in conformance with the following plans:

- *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* (EIS, 1994 and RMP/ROD, 1995)
- *Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2000), and the *ROD and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (2001)
- *Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004)
- *Medford District Noxious Weed Environmental Assessment* (1998)

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 “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

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 would take place off of an existing road in an area that the public would generally not be present. No significant impacts to the public

would be 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:** Use of ropes, not spikes, to climb the trees would result in no significant impacts to the natural resources.
3. *Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].*
Yes No **Comment:** Past experience from this type of activity has shown to have no highly controversial environmental effects or result in unresolved conflicts to resources.
4. *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*
Yes No **Comment:** Past experience from this type of activity has shown no highly uncertain, potentially significant, unique or unknown environmental risks.
5. *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*
Yes No **Comment:** 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. 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 cumulatively significant environmental effects.
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 is in a location that has previously been treated. Surveys have been done. There are no impacts 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 in an area that has already been impacted by previous treatments.

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).*

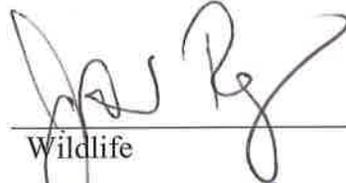
Yes No **Comment:** No traditional use areas or sacred sites have been identified within the Project Area; no known ceremonial or religious sites will be affected by proposed Project Activities.

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 into an area. No equipment or animals will be used that could bring in noxious weeds.

Reviewers:

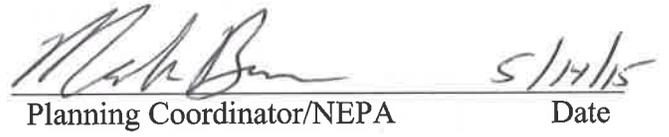
 5.14.15
Botany Date

 5-11-15
Wildlife Date

 5/13/15
Cultural Resources Date

 05-11-15
Soils/Hydrology Date

 5/12/15
Engineering Date

 5/14/15
Planning Coordinator/NEPA Date

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Decision Record

Pilgrim Studios Production Film Permit OR 068400

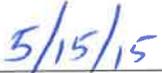
DOI-BLM-OR-M070-2015-0019-CX

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

In addition, I have reviewed the plan conformance statement and have determined that the Proposed Action 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 Field Office



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 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 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, Greg Von Doersten Productions, 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
- U.S. Department of the Interior
Office of the Regional Solicitor
805 SW Broadway Street, Suite 600
Portland, Oregon 97205

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North Hollywood, CA 91607