

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

CATEGORICAL EXCLUSION DETERMINATION AND DECISION RECORD
Walk-In LLC Filming
DOI-BLM-OR-M070-2011-0004-CX

A. Background

Proposed Action Title: Walk-in LLC Filming

Location of Proposed Action:

Medford District
Grants Pass Resource Area
T. 35 S R. 7 W Sec. 10, 11.

Land Use Allocations: The project is within the recreation section of the Rogue National Wild and Scenic River corridor

Proposal: Walk-In LLC is proposing to film a motion picture on Bureau of Land Management administered lands. Walk-In LLC is requesting a Land Use Permit (Form 2920-1) to film the movie "Walk In" at the Hellgate Overlook along the Rogue National Wild and Scenic River (see attached Map). The BLM is evaluating the environmental effects and whether to issue Walk-In LLC 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.

The filming is expected to be a few hours on a single day between February 25, 2011 and April 30, 2011. The filming will take place on a rock outcrop overlooking Hellgate Canyon. For this scene, the primary actress is contemplating jumping off a cliff. Staging for the filming will occur at the recreation sites known as Hellgate Overlook and Hog Creek Boat Ramp. Walk-In LLC is not requesting exclusive use of either site. Filming will take place on a single day.

The cast and crew consist of 10 people including a director, producer, assistant director, cameramen, grips, riggers, and the actress. Four vehicles and one trailer with a jib arm (for camera mounting) will be on-site. Two vehicles will be parked at the Hog Creek Boat Ramp and two will be utilized at Hellgate Overlook.

Camera mounting will consist of hand-held, stationary tripod, dolly tripod (tracks mounted on a 4 foot by 8 foot sheet of plywood), and the jib arm. Cast, crew and equipment will be secured by the rigger, if required, for safety purposes. Tie off will be to a fixed object (e.g. truck bumper). No ground disturbance will occur, nor any amplified sound. One small prop (vehicle headlight) will be placed near the actress, and removed after filming. A small fan powered off a vehicle for creating a wind effect will be utilized, if needed.

Two major motion pictures were filmed at this same location including Rooster Cogburn (1975 - starring John Wayne and Katharine Hepburn) and River Wild (1994 - starring Meryl Streep and Kevin Bacon).

Additional stipulations that will be attached to the permit include:

- Any equipment, props, or gear brought in for filming will be removed upon completion.
- No ground disturbance or sound amplification will be allowed.
- All vehicles will be parked on paved surfaces off of the Merlin-Galice Road.
- Walk-In LLC does not have exclusive use of either recreation site. Other visitors may utilize the recreation sites during filming.
- Walk-In LLC must contact the permit administrator (Chris Dent) a minimum of 24-hours prior to filming.

B. Plan Conformance

The Proposal is consistent with policy directed by the following:

- *Final-Medford District Proposed Resource Management Plan/Environmental Impact Statement and Record of Decision* (EIS, 1994 and RMP/ROD, 1995);
- *Rogue National Wild and Scenic River, Oregon: Notice of Revised Development and Management Plan of 1972* (Federal Register Vol. 37, No. 131, 13408-13416);
- *Rogue National Wild and Scenic River: Hellgate Recreation Area Management Plan (RAMP) FEIS* (2003), and Plan and ROD (2004);
- *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 SEIS for 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)
- *Final Supplemental Environmental Impact Statement: Management of Port-Orford-Cedar in Southwest Oregon* (FSEIS, 2004 and ROD, 2004);
- *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 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 (**X**)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 will occur within the Recreational and Wild Section of the Rogue National Wild and Scenic River Corridor, the activity will be essentially 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

Prepared by

Martin Lew
Martin Lew
Environmental Planner

Date:

1/25/11

E. Signature of Authorizing Official

Katrina Symons
Katrina Symons, Field Manager
Grants Pass Resource Area

Date

1/25/11

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

**Walk-In LLC Filming
DOI-BLM-OR-M070-2011-0004-CX
NEPA CATEGORICAL EXCLUSION DECISION DOCUMENTATION**

Decision and Rationale: Based upon the attached Categorical Exclusion, it is my decision to authorize the land use permit for Walk-In LLC 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.

Implementation Date: If no appeal is received by the close of business (4:30 P.M.) within 30 days after publication of this Decision, this Decision would become final and may be implemented immediately.

Katrina Symons, Field Manager
Grants Pass Resource Area

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 right-of-way action in accordance with BLM regulations at 43 CFR Subpart 2920. All BLM decisions under 43 CFR Subpart 2920 will become effective on the day after the expiration of the appeal period (30 days after publication of the legal notice of decision) where no petition for a stay is filed, or 45 days after the expiration of the appeal period where a timely petition for a stay is filed, unless the Director of the Office of Hearings and Appeals or an Appeals Board has determined otherwise in accordance with specified standards enumerated in 43 CFR 4.21(b).

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 Glendale 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 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 Walk-In LLC , 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.

Or For additional information concerning this project, contact Martin Lew, Environmental Planner, at (541) 471-6504.

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
- Walk-In LLC
Gary Kout
237 B Street
Ashland, OR 97520

Attachments:
Map

BLM Permit Application

Company: Walk-In LLC

Project: "Walk-In" feature film

Location: Hellgate Canyon Overlook

Date: One day shoot sometime between 2/1 and 4/30

Contact: Gary Kout 310-261-5707

