

Categorical Exclusion Documentation Format When Using Categorical Exclusions Not Established by Statute

A. Background

BLM Office: Marys Peak Resource Area **Lease/Serial/Case File No:** _____

Categorical Exclusion Number: DOI-BLM-OR-S050-2013-0006-CX **Date:** 4/17/2013

Proposed Action Title/Type: Commercial Film and Photography at Yaquina Head Outstanding Natural Area

Location of Proposed Action: Yaquina Head Outstanding Natural Area (T. 10 S., R. 11 W., Section 30), Willamette Meridian. Lincoln County, Oregon.

Land Use Allocation(s): **Congressionally Withdrawn**

Background and Description of the Proposed Action

Photography is a regular activity at the Bureau of Land Management (BLM) Yaquina Head Outstanding Natural Area (YHONA) for recreational and professional photographers alike. No permits are required for noncommercial still photography or recreational videotaping, which are defined as casual use, unless it includes 1) the use of models, sets or props that are not part of the site's natural or cultural resources or administrative facilities; 2) it takes place where members of the public are generally not allowed; or 3) it takes place at a location where additional administrative costs are likely.

A permit is required for all commercial filming activities on public lands. Commercial filming is defined as the use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment on public lands that involves the advertisement of a product or service, the creation of a product for sale, or the use of actors, models, sets, or props, but not including activities associated with broadcasts for news programs. Commercial filming or still photography will not be permitted if it is determined that any of the following criteria apply: 1) There is likelihood of resource damage that cannot be mitigated; 2) There would be an unreasonable disruption of the public's use and enjoyment of the site (beyond short-term interruption of use of the site); or 3) The activity poses health or safety risks to the public that cannot be mitigated;

The proposed action is to issue permits for commercial film and photography at YHONA. The activity will occur throughout the year, but the greatest concentration will likely occur during the summer months. Any vehicles required for the activity will be restricted to surfaced roads and parking areas; there will be no new ground disturbance. Filming will generally occur during normal business hours and will be planned so as to minimize disturbance to natural, cultural, and visual resources, and the visiting public.

Figures of YHONA appear on the following pages.

Figure 1. Location of the Yaquina Head Outstanding Natural Area

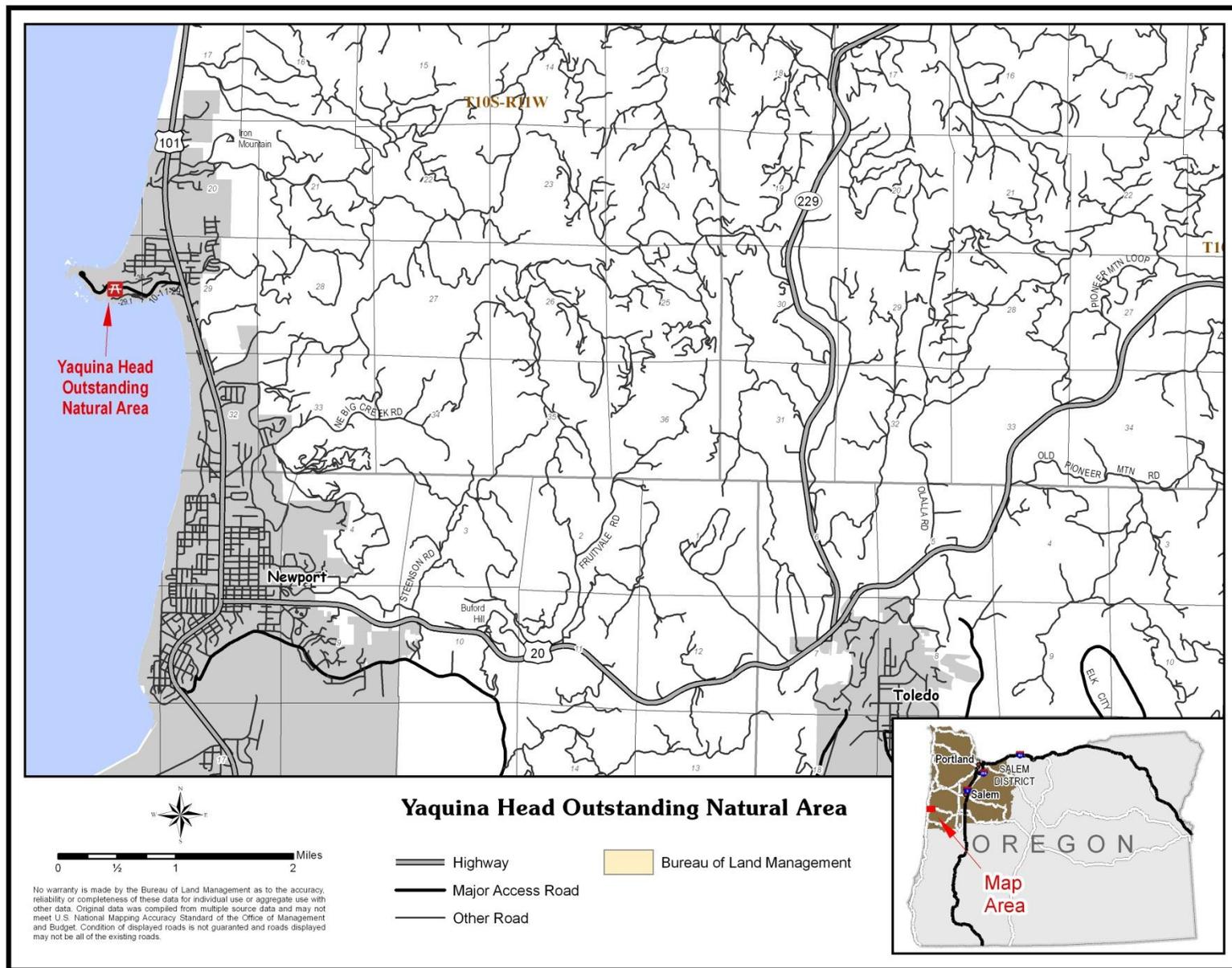


Figure 2. Aerial View of the Yaquina Head Outstanding Natural Area

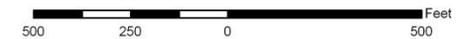


Yaquina Head Outstanding Natural Area



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Data was compiled from multiple sources and may not meet U.S. National Mapping Accuracy Standard of the Office of Management and Budget.

 YHONA Site Boundary



Project Design Features

- Vehicles will be required to stay on paved roads and designated parking areas.
- Filming and photography will occur during regular park hours unless coordinated in advance during the permitting process.
- The lighthouse will remain open to the public; the Permittee shall make every effort to minimize adverse effects to the general public.
- The Permittee must not disturb or modify the natural or cultural landscape or negatively impact wildlife and wildlife habitat.

B. Land Use Plan Conformance

Land Use Plan Name: *Salem District Record of Decision and Resource Management Plan (1995 RMP)* **Date Approved** May 1995 **Date Amended:** The 1995 RMP was amended in January 2001 as documented in the *Record of Decision for Amendments to the Survey and Manage, Protection Buffer, and Other Mitigation Measures Standards and Guidelines*, dated January 2001 (SM/ROD).

This project is in conformance with the Land Use Plan (LUP) because it is specifically provided for in the following LUP decision(s):

- Manage scenic, natural, and cultural resources to enhance visitor recreation experiences and satisfy public land users (RMP, p. 41).

C. Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.5, 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.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed in the following table and none of the 12 extraordinary circumstances described in 516 DM 2 apply.

Table 1. Categorical Exclusions: Extraordinary Circumstances Review

| Will the Proposed Action documented in this Categorical Exclusion: | Yes | No |
|---|-----|----|
| <p>a) Have significant impacts on public health or safety?</p> <p>Rationale: All activities associated with the proposed action will conform to established Occupational Safety and Health Administration rules concerning health and safety.</p> | | No |
| <p>b) 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, floodplains, national monuments, migratory birds, other ecologically significant or critical areas?</p> <p>Rationale: No unique geographic characteristics are within the project area. No historic or cultural resources will be impacted.</p> | | No |
| <p>c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2) (E)]?</p> <p>Rationale: The effects of the proposed action are not controversial and there are no unresolved conflicts concerning alternative uses of available resources. Past experience has shown that the effects of the proposed project are not highly controversial.</p> | | No |
| <p>d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</p> <p>Rationale: Filming and photographing are not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial, highly uncertain, unique, or unknown risks.</p> | | No |
| <p>e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</p> <p>Rationale: Past experience from this type of activity has shown no highly uncertain, potentially significant, unique or unknown risks</p> | | No |
| <p>f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</p> <p>Rationale: There are no cumulative effects associated with the proposed project and therefore no significant cumulative effects as a result of these actions.</p> | | No |

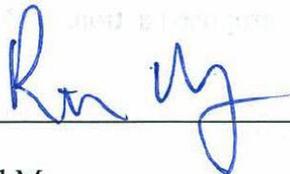
| Will the Proposed Action documented in this Categorical Exclusion: | Yes | No |
|---|-----|----|
| <p>g) Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places (NRHP) as determined by either the bureau or office?</p> <p>Rationale: The Yaquina Head Lighthouse, listed on the National Register of Historic Places, will not be impacted by the project.</p> | | No |
| <p>h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened (T&E) Species, or have significant impacts on designated Critical Habitat for these species?</p> <p>Rationale: No listed (or proposed to be listed) species or their habitat will be affected, because none are know from within the project area.</p> | | No |
| <p>i) Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</p> <p>Rationale: The proposed project is in conformance with direction given for the management of public lands in the Salem District ROD/RMP, which complies with all applicable laws such as the Federal Land Policy Management Act, Endangered Species Act, Historic Preservation Act, Clean Water Act, and others.</p> | | No |
| <p>j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?</p> <p>Rationale: The project is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.</p> | | No |
| <p>k) 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)?</p> <p>Rationale: Past actions within this area have not resulted in tribal identification of concerns.</p> | | No |
| <p>l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native 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)?</p> <p>Rationale: There will be no new ground disturbance from the proposed action. Past actions of this type within this area have no documented results of new introduction, have not altered the continued existence of, and have not caused a significant spread of noxious weeds or non-native invasive plant species.</p> | | No |

D. Interdisciplinary Team Review and Signature

Interdisciplinary Team Review

| Name | Specialty |
|----------------|--------------------|
| Ron Exeter | Botanist |
| Tim Fisher | YHONA Manager |
| Scott Hopkins | Wildlife Biologist |
| Stefanie Larew | NEPA Coordinator |
| Jodi Murphy | Realty |
| Heather Ulrich | Archaeologist |

Authorized Official: _____



Date: _____

4-17-13

Name: Rich Hatfield

Title: Marys Peak Field Manager

Contact Person

For additional information concerning this Categorical Exclusion, contact Jodi Murphy, Realty Specialist, 1717 Fabry Road SE, Salem, Oregon, 97306, (503) 589-6854.

**U.S. DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SALEM DISTRICT, MARYS PEAK RESOURCE AREA**

Decision Record

Based on the attached Categorical Exclusion Review, DOI-BLM-OR-S050-2013-0006-CX, I have determined that the proposed action, issuance of permits for commercial film and photography at the Yaquina Head Outstanding Natural Area, involves no significant impacts to the human environment and requires no further environmental analysis.

It is my decision to authorize the implementation of the proposed action, as described in the attached Categorical Exclusion documentation.

Implementation: Implementation will begin spring of 2013.

Administrative Remedy: Notice of the decision to be made on the action described in this categorical exclusion will be posted on the Salem District internet website. The action is subject to appeal to the Interior Board of Land Appeals under 43 CFR Part 4.

Contact Person: For additional information concerning this CX review, contact Jodi Murphy, Realty Specialist, 1717 Fabry Road SE, Salem, Oregon, 97306, (503) 589-6854.

Authorized Official:  Date: 4-17-13
Rich Hatfield
Marys Peak Field Manager