

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-SO50-2015-0028 CX**

January 2015

**Cine-Manic Motion Picture
Film Permit
“The Hateful Eight”**

*Location: San Miguel County near Telluride, CO
San Miguel Special Recreation Management Area*

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-SO50-2015-0028 CX

PROJECT NAME: Cine-Manic Film Permit "The Hateful Eight"

PLANNING UNIT: San Juan/San Miguel Planning Area

LEGAL DESCRIPTION: New Mexico Principal Meridian,
T. 43N., R. 10W., Secs. 26, 27 and 28.

APPLICANT: Cine-Manic Productions, Inc.

BACKGROUND: Cine-Manic Productions is filming a feature film entitled 'The Hateful Eight' on private property near Telluride, CO. In addition, they have requested authorization to film on public lands along and adjacent to San Miguel County road M-59 on public land. The County has issued a special use permit to the company for use of the M-59 road. The action sequences that the production company is trying to capture at this location include a six-horse, old west stage coach attempting to outrun a blizzard during severe, adverse winter weather conditions.

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a film permit to Cine-Manic Productions. The activities that will be authorized under the film permit include:

1. Use of M-59 road from Silver Pick Road east to the highway maintenance yard at Deep Creek (~2.4 miles) for the purpose of filming the stagecoach during adverse weather, i.e. snow storms and general winter conditions,
2. Equipment and vehicles that will be used/driven on M-59 road include:
 - a. Tucker Snowcat with a grooming attachment for snow grooming on the road,
 - b. Stagecoach with six horses,
 - c. Camera car with a camera boom, similar to a ¾ - 1 ton pickup with tracks instead of tires,
 - d. Up to 3 UTVs,
3. All other equipment and personnel will stay within previously disturbed areas adjacent to M-59 road,
4. Placement of film equipment on the south bank of the San Miguel River at the 4 locations indicated on the attached map, Figure 2. At these locations, the cameras will either be mounted on tripods, or mounted on a dolly track system up to 24 feet in length on hand groomed snow pack,

- a. This will be accomplished by shuttling equipment and personnel via raft, using local guide companies.
 - b. The rafting equipment will be put into the river at the existing river access points and floated to the proposed camera locations. At these locations, a safety wire will be placed across the river and the filming equipment will be shuttled across from the north bank to the south bank. To remove the equipment, the process will be reversed.
5. Staging will occur on non-federal property located at the intersection of Silver Pick Road and Colorado State Highway 145 and at the CDOT highway maintenance station at Deep Creek.

The activities will take place on 4 to 6 days (TBD) during the period from February 1 (or as soon as a permit may be issued) to April 30, 2015.

The company will provide the BLM Uncompaghre Field Office with a filming schedule for locations on public lands as soon as practicable, but no later than 24 hours prior to anticipated filming days.

There are expected to be a maximum of 50 personnel on site, 6 horses, 3 UTVs and 1 large vehicle (>1ton), all other vehicles will remain in the staging areas.

The permit would be issued under FLPMA. The permit would be subject to advanced rental and the attached stipulations.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5):

Name of Plan: (Portion from Deep Creek to Pinon) San Juan/San Miguel RMP, 1993 Amendment (EA-CO-030-U93-17) establishing the San Miguel River SRMA and ACEC

Date Approved: February 23, 1993

Decision Number/Page: Page 7; Recreation Emphasis (zone C1), and page 48

Decision Language: The primary emphasis of the C1 areas is for management of recreation resources, and protection of riparian and scenic values.

C1: (Lands) All land use authorizations will be designed to mitigate impacts to recreation and riparian system values

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number E.19 which allows, "issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition."

None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	___	<u>X</u>
2. 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; and other ecologically significant or critical areas.	___	<u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	___	<u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	___	<u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	___	<u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	___	<u>X</u>
7. Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places.	___	<u>X</u>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.	___	<u>X</u>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.	___	<u>X</u>
10. Have disproportionately high and adverse effect on low income or minority populations.	___	<u>X</u>
11. Limit access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.	___	<u>X</u>
12. 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.	___	<u>X</u>

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Nick Szuch	Realty Specialist	Lands and Realty
Edd Franz	Outdoor Rec Planner	Recreation; SRP Administration.
Ken Holsinger	Biologist	Fish; Wildlife; Threatened and Endangered Species; Migratory Birds.

Glade Hadden Archaeologist

Cultural Resources; Native American Religious Concerns.

REMARKS:

Cultural Resources: A records search by BLM Archeologist Glade Hadden on January 22, 2015, has revealed no known or anticipated eligible Historic Properties within the APE of this permit. No further inventory is required under the provisions of 8110.23B.

Native American Religious Concerns: There are none known or anticipated for this project.

Threatened and Endangered Species: There are no animal or plant species listed, proposed, or candidate to the Endangered Species Act or considered sensitive to the BLM that are known to inhabit or derive important use of habitats within or adjacent to the proposed filming activities.

Stipulations recommended by wildlife biologist: See Exhibit A: Stipulations #17

NAME OF PREPARER: Nick Szuch January 23, 2015

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard

DATE: 1/27/2015

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E.19. 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, and none of the extraordinary circumstances described in 516 DM 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:

Barbara L Sharrow

Barbara Sharrow,
Uncompahgre Field Office, Field Manager

DATE SIGNED: 1-28-15

Exhibit A: Stipulations
Attachments: Figures 1 & 2

EXHIBIT A: STIPULATIONS FOR FILM PERMIT COC-76879
Cine-Manic Productions
"The Hateful Eight"

1. The film company, herein referred to as the holder, shall provide the BLM Uncompaghre Field Office with a filming schedule for locations on public land as soon as practicable, but no later than 24 hours prior to anticipated filming days. The BLM understands that filming dates are to be determined and will be weather dependent. The BLM contact person is Barney Buria at (970) 240-5333 and the alternate is Teresa Pfifer at (970) 240-5316.
2. Prior to conducting any filming activities on the public land, the holder shall provide a certificate of liability insurance for not less than \$1,000,000, naming the United States, Bureau of Land Management [BLM], as a co-insured.
3. The holder, and/or its representatives, shall have a copy of the BLM Film Permit (2920-1) and the attached Stipulation in Exhibit A including Figures 1&2 with them at all times while occupying public land.
4. No archaeological or historic artifacts are to be disturbed or removed from the public land.
5. If historic or archaeological materials are uncovered during permitted activities, the holder is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the BLM authorized officer (AO). Within five working days the AO will inform the holder as to:
 - a. whether the materials appear eligible for the National Register of Historic Places;
 - b. the mitigation measures the holder will likely have to undertake before filming may proceed.
6. Pursuant to 43 CFR 10.4(g), the holder of the authorization must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
7. Anyone associated with this project shall not disturb historic, archaeological, or scientific resources, including collecting artifacts, or they will be subject to prosecution. If in connection with operations under this permit, the holder, it's contractors, subcontractors, or the employees of any of them, discovers, encounters or becomes aware of any objects or sites of cultural or paleontological value or scientific interest such as historic or prehistoric ruins, graves or grave markers, fossils, or artifacts, the holder shall immediately suspend all operations in the vicinity of the cultural or paleontological resource and shall notify the AO of the findings (16 U.S.C. 470h-3, 36CFR800.112). Operations may resume at the discovery site upon receipt of written instructions and authorization by the AO.

8. On public land, all vehicles shall remain on San Miguel County M-59 road. All other equipment and personnel shall stay within previously disturbed areas.
9. Only the existing river access points on private property at Silver Pick Road and the highway maintenance station shall be used to access the San Miguel River.
10. Snow grooming is allowed on M-59 road by a Tucker Snowcat. A minimum snow depth of 4 to 6 inches of snow shall be maintained during the grooming process.
11. No trimming and/or removal of vegetation is authorized.
12. After each filming session, all equipment shall be removed from the area and the site returned to its prior condition.
13. Cameras will be set up in such a way that disturbance to vegetation and soils are minimized in the set-up and in subsequent activities around the equipment. Preferred locations for the dolly track are on the edge of a road or trail, in rock, or in previously disturbed areas on hand groomed snow pack. To minimize disturbance, dolly track must be no longer than 24 feet or the equivalent of three eight-foot sections.
14. To minimize introduction and/or spread of noxious weeds, vehicles and equipment used for filming on public land shall be pressure washed prior to entering the project area. The pressure washing shall occur at commercial washing facilities and not on location on public land.
15. Horses shall be fed non-germinating pellets or certified weed-free hay for two days prior to and during filming on public land. Horse manure shall be collected and removed from public land.
16. Horses that are not in use are not allowed to be picketed on previously undisturbed public land. Horses must be in trailers or tied to trailers, and the vehicles must be on a road, in a parking area, or in a disturbed area.
17. In order to mitigate possible impacts to wintering big game, filming operations will only occur from one hour after sunrise to one hour prior to sunset. Sunrise and sunset information is available at http://aa.usno.navy.mil/data/docs/RS_OneDay.php
18. Traffic and safety controls shall be done by State and County law enforcement officers.
19. Qualified swift water rescue personnel shall be on site during the river shuttling activities.
20. The final filming product shall have written and/or verbal acknowledgment of the film locations on public land managed by the Bureau of Land Management, Uncompaghre Field Office, Colorado.

"THE HATEFUL EIGHT"
Che-Matic Productions
135 West Colorado Ave.
2nd Floor Suite A
Telluride, CO 81435-4223

Location: Hwy 145
Estimated Date: Monday January 26, 2015
Contact: Key Asst. Location Manager - Merry Padilla 760.403.6774 C
Location Manager - John Milnor 323.304.6147



Figure 1.

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2015-0028 CX)

PROJECT NAME: Cine – Manic Motion Picture Film Permit

DECISION: It is my decision to issue a film permit to the applicant as stated in the Proposed Action of the subject Categorical Exclusion (CX).

The permit will be authorized under the authority of and be subject to the terms and conditions in 43 CFR 2920 and rental payment as determined by the authorized officer. The permit will be subject to the standard stipulations of the land use permit and the stipulations shown in Exhibit A.

MITIGATION MEASURES:

All stipulations shown in Exhibit A of the CX will be followed.

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E.19. 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, and none of the extraordinary circumstances described in 516 DM 2 apply.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the San Juan/San Miguel RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed CX will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400.

NAME OF PREPARER: Nick Szuch

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard

DATE 1/27/2015

SIGNATURE OF AUTHORIZED OFFICIAL Barbara Sharrow

Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 1-28-15