

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2010-0229-CX

CASEFILE/PROJECT NUMBER: COC74579

PROJECT NAME: Commercial Filming Permit

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado

T. 3 N., R. 99 W., sec. 32, 33, and 34;
T. 2 N., R. 99 W., sec. 4-9, 17-20, and 29-31;
T. 1 N., R. 99 W., sec. 6, 7, 18, 19, 30, and 31;
T. 3 S., R. 99 W., sec. 19, and 29-32;
T. 4 S., R. 99 W., sec. 18;
T. 2 N., R. 100 W., sec. 1-4, and 7-36;
T. 1 N., R. 100 W., all sections;
T. 1 S., R. 100 W., sec. 1-12, 14-19, and 29-33;
T. 2 S., R. 100 W., sec. 4-9, 16-21, and 28-33;
T. 3 S., R. 100 W., sec. 1-13, and 17-19;
T. 4 S., R. 100 W., sec. 13-15, 21-24, and 26-28;
T. 2 N., R. 101 W., sec. 11-15, 22-27, and 33-36;
T. 1 N., R. 101 W., all sections;
T. 1 S., R. 101 W., all sections;
T. 2 S., R. 101 W., sec. 1-21, 24, 25, and 27-36;
T. 3 S., R. 101 W., all sections;
T. 4 S., R. 101 W., sec. 2-9, 16-21, and 28-32;
T. 5 S., R. 101 W., sec. 5, 7, 8, 18, and 19;
T. 1 N., R. 102 W., sec. 1-4, and 7-36;
T. 1 S., R. 102 W., all sections;
T. 2 S., R. 102 W., all sections;
T. 3 S., R. 102 W., sec. 1-30, and 32-36;
T. 4 S., R. 102 W., sec. 1-5, and 8-36;
T. 5 S., R. 102 W., sec. 1-18, 23, and 26;
T. 1 N., R. 103 W., sec. 11-18, and 20-36;
T. 1 S., R. 103 W., all sections;
T. 2 S., R. 103 W., all sections;
T. 3 S., R. 103 W., sec. 1-14, 17-20, 23-25, and 27-33;
T. 4 S., R. 103 W., sec. 4-9, and 15-36;
T. 5 S., R. 103 W., sec. 1-24, and 26-33;

T. 1 N., R. 104 W., sec. 25-27;
T. 1 S., R. 104 W., sec. 1, 12-15, 22-27, and 34-36;
T. 2 S., R. 104 W., sec. 1-3, 10-15, 22-27, and 34-36;
T. 3 S., R. 104 W., sec. 1-3, 10-15, 22-27, and 34-36;
T. 4 S., R. 104 W., sec. 1-3, 10-15, 22-27, and 34-36;
T. 5 S., R. 104 W., sec. 1-3, 10-15, 22-27, and 34-36;
T. 6 S., R. 104 W., sec. 4-9, 17-19, and 30;
T. 6 S., R. 105 W., sec. 1, 12, 13, 24, 25, and 36.

Note: The legal description above includes the public lands within Colorado Division of Wildlife (CDOW) Game Management Unit 21, and the commercial film permit only applies to public lands within CDOW Game Management Unit 21.

APPLICANT: Carters Hunter Services

BACKGROUND/INTRODUCTION: Because the proposed action is for commercial use, a permit is required. According to the Minimum Impact Filming Checklist, this qualifies as a minimum impact project. Appropriate cost recovery fees will be applied and rental assessed. The proponent has provided documentation of the required Certificate of Liability Insurance naming the U.S. Government as additional insured.

DESCRIPTION OF PROPOSED ACTION: Carters Hunter Services proposes to film two mule deer hunts on public lands administered by BLM White River Field Office during Colorado's 3rd rifle season from November 05, 2010, through November 14, 2010. The cameraman will follow two hunters on a deer hunt on public land within Colorado Division of Wildlife Game Management Unit (GMU) 21. Depending on how the footage turns out and if the hunters are successful, Carters Hunter Services may use the video footage on a hunting DVD highlighting the trip and their company. They would be camping and no props or sets would be constructed or used during filming.

The cameraman would film two hunters using one to two handheld High Definition (HD) video cameras with tripods. Filming would be from November 05, 2010 through November 14th, 2010, for a total of 10 days in GMU 21, within the areas permitted by the White River Field Office (WRFO). An area map is attached as Exhibit A. They would use two 4x4 vehicles and two All Terrain Vehicles (ATVs) on existing/designated roads.

A commercial film permit would be issued for commercial filming for up to 9 days, and the permit would be subject to the terms and conditions attached as Exhibit B. The individuals who are hunting are responsible for meeting any requirements of State or local governments (i.e. Colorado Division of Wildlife).

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Pages 2-49 thru 2-52

Decision Language: “To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values.”

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number (E-19). *Issuance of short-term 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.*

The proposed action has been reviewed with the list of extraordinary circumstances described in the table below. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exception	YES	NO
1. Have significant adverse effects on public health and safety.		X
2. Have adverse effects 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.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Be directly related to other actions with individually insignificant but		X

Exception	YES	NO
cumulatively significant environmental effects.		
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.		X
8. Have adverse effects 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.		X
9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.		X
11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.		X
12. Significantly, 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.		X

INTERDISCIPLINARY REVIEW:

The proposed action was presented to, and reviewed by the White River Field Office interdisciplinary team on August 03, 2010.
Date

A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: Under normal conditions hunting is considered casual use for the purposes of Section 106 compliance, as no Federal permits or licenses are involved and the area of potential effect (APE) is difficult or impossible to define. For this proposed project, there will probably be very limited impacts to cultural resources provided all motorized vehicles are strictly restricted to existing roads and trails. Rock art or other features may be filmed incidental to the

actual hunt, and disclosure of locations could potentially expose those sites to increased damage from vandals and looters. (MRS 9/8/2010)

Native American Religious Concerns: There should not be any impact to Native American Religious sites if the mitigation measures are followed. (KB 10/21/2010)

Threatened and Endangered Wildlife Species: No wildlife-related issues or concerns. (EH 8/5/2010)

Special Status Plant Species: Though threatened and BLM sensitive plant species do inhabit the project area, the proposed project will not result in any surface disturbance and qualifies as a minimum impact project. The proposed action is expected to have no effect on special status plant species. (JKS 8/5/2010)

MITIGATION:

1. The permittee is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during any project activities, the permittee is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). Within five working days the AO will inform the permittee as to:

- whether the materials appear eligible for the National Register of Historic Places
- the mitigation measures the permittee will likely have to undertake before the site can be used (assuming in situ preservation is not necessary)
- a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the permittee wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the permittee will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the permittee will then be allowed to resume construction.

2. Pursuant to 43 CFR 10.4(g) the permittee of this 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), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

3. Location data for any cultural resources such as rock art that is not part of the Canyon Pintado Historic District (CPHD) interpretive system, or other features such as historic structures or wickiups, is proprietary under law and disclosure is absolutely forbidden.
4. To eliminate the possibility of surface disturbing concerns, the permittee is limited to driving on designated roads and trails on BLM lands. No off road vehicle travel is permitted. Motorized travel is not permitted within Wilderness Study Areas and any designated non-motorized areas, as identified on the most recent BLM Surface Management Status map.
5. This permit is authorization for only those public lands administered by the Bureau of Land Management within CDOW Game Management Unit 21 and confined to those specific areas stated in the permit application. Any changes to the proposed activity must be approved in writing by the authorized officer.
6. The permittee agrees to indemnify and hold harmless the United States for any and all liability, including injury to persons or damage of property, which may result directly from the use permitted.
7. The permittee is responsible for any and all damage to public property. The permittee shall perform, at their sole expense all repairs, rehabilitation, or replacement of public property as required by the Authorized Officer, to return the public lands or property to their original condition prior to use by the permittee or the permittee's agents.
8. This permit does not give permission to cross over or use any private land. The permittee is fully responsible for securing authorization to use private land and for any trespass on and/or damages to private land which may result from the permittee's activity.
9. This permit is effective upon signature of the BLM Authorized Officer. The permittee must be in physical possession of this permit to constitute a valid authorization.
10. The permittee is fully responsible for obtaining any permits or approvals required by state, local, or other Federal agencies, and the permittee shall comply with federal, state, and county standards for public health and safety.
11. A provision for credit to the BLM will read as follows for use of public lands.

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11. The permittee shall submit a copy of the video to the BLM Authorized Officer.

COMPLIANCE PLAN: Compliance inspections and monitoring will be conducted by White River Field Office staff. Specific mitigation developed in the associated Categorical Exclusion will be followed.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Kristin Bowen

DATE: 10/21/2010

DECISION AND RATIONALE: I have reviewed this CX and have decided to approve the proposed action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 12 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:


Acting Field Manager

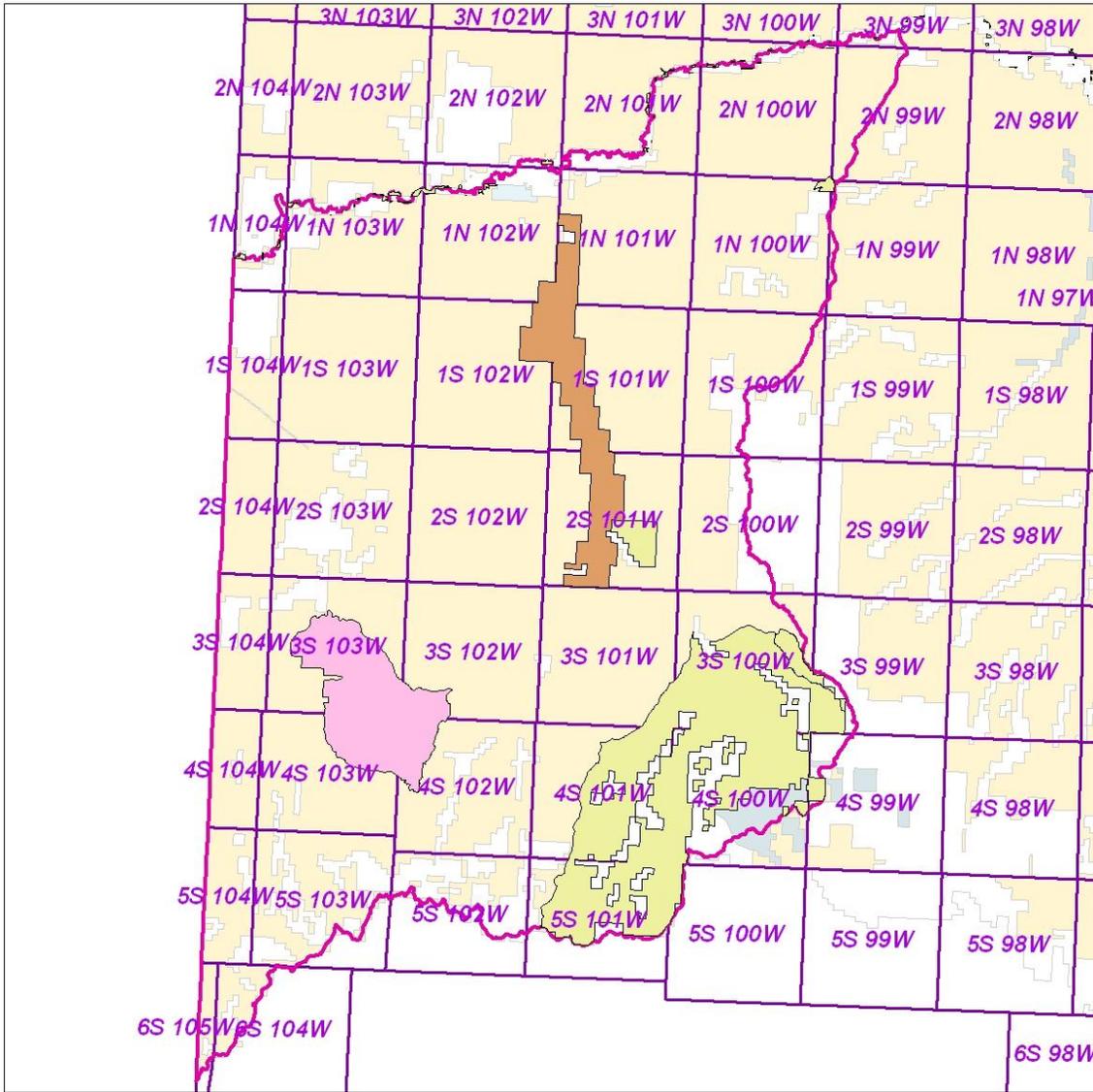
DATE SIGNED:

10/21/2010

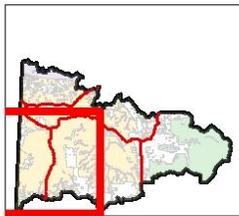
ATTACHMENTS: Exhibit A –Map of proposed action

Carters Hunter Services Commercial Film Permit on
BLM Lands within CDOW Game Management Unit 21

EXHIBIT A



- ACBCI
- Oil Spring Bluffs WSA
- CDOW_GMU 21
- Cayo Pahade
- PLUS_Township_GOC DE2008
- SJM
- CDWV
- COHV
- POP
- NPC
- PFI
- CTR



October 2010



SOURCE:
BLM, USGS, CDOW, etc.

Disclaimer:
Although the data presented within this map, and the map itself, have been processed carefully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of the map, or the data presented, nor does the fact of its inclusion constitute or imply any such warranty.