

CATEGORICAL EXCLUSION

Project Name/Applicant: Warm Springs Production North Creek Film Permit

Project/Case File Number: IDI-37490

Project Lead: Becky Lazdauskas, Realty Specialist

CE Number: DOI-BLM-ID-I010-2013-0020-CX

Date of Preparation: February 28, 2013

PROPOSED ACTION:

On February 27, 2013, Marianne Wall, on behalf of Warm Springs Production, submitted an application (Form 2920-1) requesting a film permit to authorize commercial filming on public lands within the Upper Snake Field Office area. The company would like to film a segment of a TV show called "Mountain Man" which will air on the History Channel. The segment would feature local Howe, Idaho resident Mr. Jack Oar and his brother. Mr. Oar is a well-known falconer and the company would like to film him possibly releasing his falcon. They would like to film in the North Creek area of the Little Lost Valley, choosing a location within a 10 mile radius. The project area is legally described as section 11 of T. 7 N., R. 28 E., B.M., Idaho (see Exhibit A).

The crew would consist of two on-camera talent, one producer, two cameramen, and two production assistants. The equipment to be use would be two shoulder mounted cameras and two tripods. The Oar brothers may be on horseback. Warm Springs Productions would be required to ensure that only certified weed free hay is used on public land. All vehicular traffic would be confined to existing access routes, roads, or trails. The filming would occur on March 4 and 5, 2013.

There would be no surface disturbing activities authorized with this action; therefore, no rehabilitation would be required.

CONSULTATION AND COORDINATION:

A description of the proposed action was posted on February 27, 2013 to the online NEPA register. This is available to members of the public through the USFO webpage.

FINDING AND RECOMMENDATION:

The proposed action is categorically excluded as outlined in 516 DM 6, 11.9, Appendix 4 E (19) and none of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply. This exclusion states that one-time issuances 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 original condition may be excluded from further environmental review.

I recommend that film permit, IDI-37490, be issued to allow for commercial filming on public lands located in Butte County (see Exhibit A). The permit would be issued for a 2 day period, March 4 and 5, 2013. The authorization would be approved subject to the attached stipulations

(Exhibit B). The permit would be granted under the authority of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and current Bureau regulations found at 43 CFR 2920. Cost recovery and rental would be required in accordance with 43 CFR 2920 and current Bureau Policy.

DECISION AND RATIONALE FOR THE DECISION:

It is my decision to authorize film permit IDI-37490 allowing commercial filming in the North Creek area of the Little Lost Valley in Butte County. The permit would be issued for two days, March 4 and 5, 2013, subject to the attached current terms and conditions (Exhibit B). All the associated fees would be collected as outlined in 43 CFR 2920 and current Bureau Policy.

Issuance of the permit would cause no significant environmental disturbance. The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 11.9, Appendix E (19). None of the exceptions found in 516 DM 2, Appendix 2 apply.

LAND USE PLAN CONFORMANCE:

The Proposed Action is located in Butte County, Idaho, within the boundaries of the Upper Snake Field Office (USFO). *The 1981 Little Lost/Birch Creek Management Framework Plan (MFP) states in Decision L-3.1 (Lands section) that approval of land use authorization applications will be considered on an individual basis, taking into consideration the impacts on the resources which would be affected.*

APPEALS INFORMATION:

Appeal procedures may be found at *43 CFR 4.21 (58 FR 4939, January 19, 1993)*

/s/ Becky Lazdauskas
Realty Specialist

March 1, 2013
Date

/s/ Jeremy Casterson
Upper Snake Field Manager

March 1, 2013
Date

IDI-37490 Warm Springs Production Film Permit

EXHIBIT A
T.7 N., R. 28 E., BM, Idaho
March 1, 2013



No warranty is made by the Bureau of Land Management for use of the data for purposes not intended by BLM.

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Drawn 4/29/2009

Extraordinary Circumstances Requiring Preparation of an EA or EIS

(516 DM 2, Appendix 2)

The action described in categorical exclusion #DOI-BLM-ID-I010-2013-0020-CX (IDI-37490) has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

DM # Extraordinary Circumstance

- 2.1 Have significant impacts on public health or safety
- 2.2 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 (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 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.
- 2.8 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.
- 2.9 Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 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).
- 2.12 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 (Federal Noxious Weed Control Act and Executive Order 13112).

Exhibit B
IDI-37490
Warm Springs Production North Creek Film Permit
Stipulations – March 1, 2013

1. The holder will have a copy of this permit at all times when filming on the BLM location.
2. The Holder shall ensure that only certified weed free hay is used on public land at all times.
3. All vehicular traffic shall be confined to the right-of-way or designated access routes, roads, or trails.
4. There are no surface disturbance activities authorized with this action.
5. Filming locations shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
6. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
7. The final filming product will have written and/or verbal acknowledgement of filming location on public lands managed by the Bureau of the Land Management, Upper Snake Field Office, if feasible.
8. The holder shall contact Becky Lazdauskas, Realty Specialist, at the Upper Snake Field Office upon completion of filming to report the location and the date of filming and any other pertinent information.