

## CATEGORICAL EXCLUSION

**Applicant/Project Name:** Two Fisted Heart Productions Film Permit

**Project/Case File Number:** IDI-37760

**Project Lead:** Heather Schlenker, Upper Snake Field Office

**CX Number:** ID-I010-2014-0036-CX

**Date of Preparation:** July 24, 2014

### **BACK GROUND:**

On July 16, 2014, Two Fisted Heart Productions, submitted an application (SF-299) requesting a film permit to allow for commercial filming on public lands within the Upper Snake Field Office area. The request is to film a fly fishing trip on the South Fork of the Snake River between Conant Recreation Site and Spring Creek Bridge in Bonneville County, Idaho. The area is generally described below:

Boise Meridian, Idaho

T. 2 N., R. 43 E.,  
sec. 32 and 33.

The permit, serial number IDI-37760, would authorize Two Fisted Heart Productions to film for commercial use in the requested area. The applicant plans to film on August 2, 2014.

There would be 2 drift boats, 5 models, 5 video staff, and 2 dogs. Additional equipment being used consists of 4 cameras and the fishing equipment. A possible kayak may be present.

The project area is located in the Snake River Area of Critical Concern (ACEC), (see Exhibit A).

### **PROPOSED ACTION:**

The proposed action is to issue a minimum impact permit for commercial filming to Two Fisted Heart Productions. The issuance of the permit is authorized under Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976) (90 Stat. 2776; 43 U.S.C. 1761), and the current regulations found at 43 CFR 2920.

The authorization would allow for one day of commercial filming on the South Fork of the Snake River.

### **CONSULTATION AND COORDINATION:**

This project was brought before an Interdisciplinary Team consisting of Bureau of Land Management (BLM) specialists. A description of the proposed action was posted to the online

NEPA register. This is available to members of the public through the Upper Snake Field Office webpage. No comments were received and no issues/conflicts were identified for this project.

**LAND USE PLAN CONFORMANCE:**

The Proposed Action is located in Bonneville County, Idaho, within the boundaries of the Upper Snake Field Office. The BLM's Medicine Lodge Resource Management Plan (BLM 1985) provides general guidelines for the protection and use of resources in these areas. While this action is not specifically addressed in the document, the plan does provide for the consideration of right-of-way applications.

**APPEALS INFORMATION:**

Minimum Impact Permits become effective upon approval by the authorized officer (43 CFR 2920.2-2 (b)). Appeal procedures may be found at *43 CFR 4.21 (58 FR 4939, January 19, 1993)* or *43 CFR 2801.10*.

## **FINDING AND RECOMMENDATION:**

The proposed action is categorically excluded as outlined in 516 DM 11.9 E (19). 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. None of the extraordinary circumstances described in 43 Code of Federal Regulations (CFR) 46.215 apply.

There would be no surface disturbing activities authorized with this action; therefore, no rehabilitation or bonding would be required. The proposed filming is considered "minimum impact filming" the certificate of liability insurance (for not less than \$1,000,000) is not required or can be made an exception by the Authorized officer. It has been determined that the applicant would not be required to obtain the certificate. A signed liability clause acknowledgement has been received.

I recommend that the film permit, IDI-37760 be issued for a period of approximately 10 days, from August 1-August 10, 2014. The permit would authorize one day of filming within the issued period. The applicant plans to film on August 2, 2014. The permit would be issued, subject to the terms and conditions and the attached stipulations (see Exhibit B), under the authority of Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), and the regulations found at 43 CFR 2920.

Cost recovery would be required in accordance with 43 CFR 2920.6. I recommend that rent should be charged according to the Commercial Filming Schedule found in Instruction Memorandum No. UT 2010-043. The rent would be \$250 for this activity. This schedule was developed administratively for use with certain types of minimal to no-impact commercial filming for 1 to 30 people per location, per day.

/s/Heather Schlenker, Realty Specialist  
Date:7/30/2014

/s/Marissa Guenther, NEPA Reviewer  
Date:7/30/2014

**DECISION AND RATIONALE FOR THE DECISION:**

It is my decision to issue film permit, IDI-37760 to Two Fisted Heart Productions for a period of approximately 10 days, from August 1-August 10, 2014. The permit would authorize one day of filming within the issued time period. The applicant plans to film on August 2, 2014. The permit would be issued, subject to the terms and conditions and the attached stipulations (see Exhibit B), under the authority of Public Law 94-579 (Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761), and the regulations found at 43 CFR 2920.

The subject action qualifies as a Categorical Exclusion and meets the criteria contained in 516 DM 2, 11.9 E (19). None of the exceptions found in 43 Code of Federal Regulations (CFR) 46.215 apply.

/s/Dan Kotansky acting for: Jeremy Casterson, Field Manager  
Date:7/30/2014

## Extraordinary Circumstances Requiring Preparation of an EA or EIS

(43 Code of Federal Regulations (CFR) 46.215)

The action described in categorical exclusion # ID- I010-2014-0030-CX has been reviewed to determine that none of the extraordinary circumstances listed below pertain to the proposed action.

<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
1	<p>Have significant impacts on public health or safety.</p> <p><i>The proposed action would have no significant impacts on health or safety of the public.</i></p>		X
2	<p>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.</p> <p><i>No wilderness, wilderness study areas or wild and scenic rivers are present near the project area. The permit proposal would not impede opportunities for recreation.</i></p> <p><i>This project is located within the Snake River ACEC however this project will not impede protection, maintenance, or enhancement of relevant and important values for which the ACEC was designated.</i></p> <p><i>This project is not located within a Research Natural Area (RNA).</i></p> <p><i>No significant impacts to riparian-wetland areas would occur.</i></p> <p><i>Although migratory birds are present within the project area, however, no significant impacts to migratory birds would be expected.</i></p> <p><i>No known historic or cultural resources are located within the project area. This action is exempted per Stipulation V.A.1., Appendix C of the 2014 State Protocol agreement between BLM and Idaho State Historic Preservation Offices (SHPO).</i></p>		X
3	<p>Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].</p> <p><i>Action would not have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources. Highly controversial or potentially significant environmental effects should not result from the issuing of a film permit. Action would not impact water quality or stream channels and floodplains.</i></p>		X
4	<p>Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p> <p><i>Action would not impact water quality or stream channels and floodplains. No known highly uncertain and potentially significant environmental effects or unique or unknown environmental risks are expected to result from the issuing of the permit.</i></p>		X

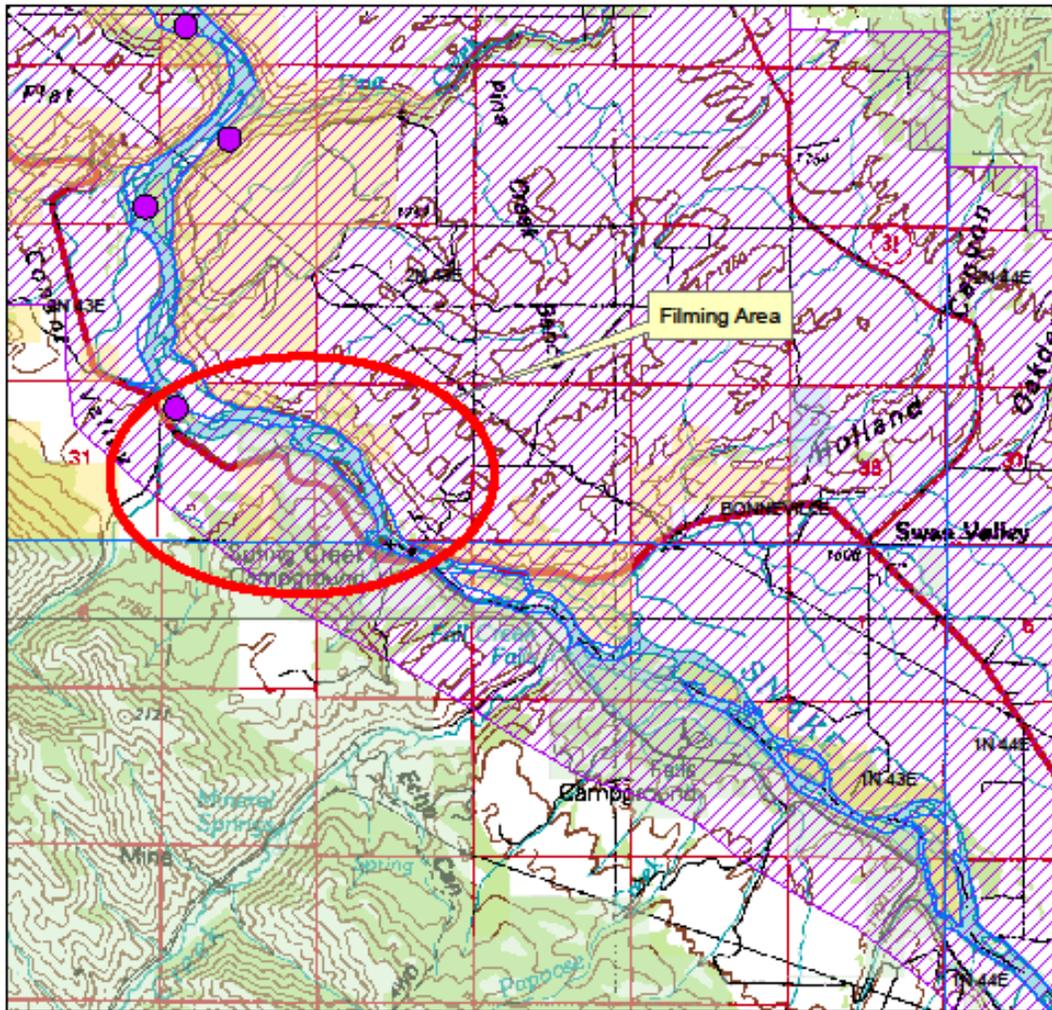
<u>DM</u> #	<u>Extraordinary Circumstance</u>	<u>YES</u>	<u>NO</u>
5	Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <i>The proposed action would not establish a precedent for future actions. Standard annual maintenance and monitoring practices would continue to be accomplished for the permit in the same manner as other authorized permits. However, any new ground disturbing activities would be addressed and new NEPA would be required and effects evaluated.</i>		X
6	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <i>The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. No cumulatively significant effects are anticipated. No cumulatively significant effects anticipated for the stream channel/floodplain.</i>		X
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. <i>As there are no known historic properties listed or eligible for listing on the NRHP located in the project area, the proposed action would have no significant impacts.</i>		X
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. <i>As there are no T&amp;E or Proposed species, or critical habitat present within the project area, no significant impacts to these species would be expected.</i>		X
9	Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment. <i>The proposed action does not violate any federal law or a State, local, or tribal law or requirement imposed for the protection of the environment. No cumulatively significant effects anticipated.</i>		X
10	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). <i>The proposed action would have no adverse effect on low income or minority populations.</i>		X
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). <i>There are no sacred sites known to occur in the project area. Furthermore, the project will not limit access to Indian sacred sites on Federal lands or impact traditional resource use in the area.</i>		X
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). <i>Standard terms and conditions for weeds are included in the authorization. The proposed action will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species as the applicant would be responsible for weed control as outlined in the grant stipulations.</i>		X



T. 2 N., R.43 E., sec.32 and 33.  
Bonneville County

Exhibit A  
7/21/2014 HS

# Two Fisted Heart Productions/ IDI-37760 Film Permit Request



### Legend

-  Idaho Falls\_BLM\_Rec\_Sites
-  All\_Existing\_ACEC\_USFO
-  Bureau of Land Management
-  Private
-  State of Idaho
-  US Forest Service



BLM  
BUREAU OF LAND MANAGEMENT  
U.S. DEPARTMENT OF THE INTERIOR



## **Stipulations- Exhibit B**

### **IDI-37760**

1. The holder will have a copy of this permit at all times when filming on the BLM location.
2. All vehicular traffic shall be confined to the right-of-way or designated access routes, roads, or trails.
3. There are no surface disturbance activities authorized with this action.
4. The permitted filming location 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.
5. There is reserved to the Authorized Officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
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.