

United States Department of the Interior
Bureau of Land Management

Decision Record
Categorical Exclusion Not Established By Statute
DOI-BLM-UT-G020-2016-0003-CX

October, 2015

Maku Filming

Location: *Various Locations along I-70 Corridor Between Mile Post 99
and Exit 160 at Green River*

Applicant/Address: *Maku
1221 Mission Street
San Francisco, CA 94103*

Green River District, Price Field Office
125 South 600 West
Price, Utah 84501
Office (435)636-3600
FAX (435)636-3657



DECISION RECORD
Categorical Exclusion Not Established By Statute
DOI-BLM-UT-G020-2016-0003-CX
Maku Filming

It is my decision to authorize a Federal Land Policy and Management Act (FLPMA) filming permit to Maku. Maku is authorized to film video footage of two big rigs (18 wheelers) platooning along UT I-70 from various vantage points. Footage will be taken from inside the cab and from tripods filming at various vantage point and rest stops as the rigs drive by. The filming consists of stopping at rest stops and exits along the route to reset for the next shots and "leap-frog" in front of the big rigs. All vehicles will remain on existing roads and turnouts. The proposal includes 6 vehicles and 12 people, the cameras will be hand held or on a tripod. There will be no props or sets outside of the truck cab interiors. The filming consists of approximately 3 days filming video in October of 2015, the filming dates are October 13-15, from dawn to dusk.

The authorized permit covers various exits and rest areas along I-70 between mile post Exit 99 and Exit 160 at Green River.

This decision is contingent on Maku fulfilling compliance with the stipulations outlined in the permit.

Authorities:

The decision to authorize the aforementioned permit is made under the authority of the FLPMA and regulations found 43 CFR Part 2920.

Compliance and Monitoring:

Maku will be responsible to ensure staff stay within the I-70 corridor, on pavement or existing exits off of I-70.

The BLM will be responsible for monitoring the permit to ensure that Maku is in compliance with the terms, conditions and stipulations of the film permit.

Rational for Decision:

Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action has been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

Land Use Plan Name: Price Field Office Resource Management Plan (PFO RMP)

Date Approved/Amended: October 31, 2008

The proposed action has been determined to be in conformance with the terms and conditions of the PFO RMP as required by 43 CFR 1600. Management Decision (LAR-5) states: "*Permit commercial filming on a case-by-case basis subject to a NEPA process*" (RMP, p. 116).

The interdisciplinary team review determined that the proposed action would not conflict with other implementation decisions within the PFO RMP. The proposal is consistent with the RMP lands and realty goal "*Make public lands available through ROWs or leases for such purposes as transportation*

routes, utilities, transmission lines, and communication sites, in coordination with other resource goals" and lands and realty objective "Make public lands available to meet the needs for smaller ROWs" (RMP, p. 115).

Protest/Appeal Language:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-001. If an appeal is taken, your notice of appeal must be filed in the office of the Authorized Officer at 125 South 600 West, Price, Utah 84501, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Authorized Officer Manda Harrington Date 10-6-15

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A. Background

BLM Office: Price Field Office

Lease/Serial/Case File No: UTU-91447

Proposed Action Title/Type: Maku Filming / Film Permit

Location of Proposed Action:

Various Locations Along the I-70 Corridor between mile post Exit 99 (South of Emery) and Exit 160 (Green River), See Attached

Description of Proposed Action:

Maku is proposing to film video footage of two big rigs (18 wheelers) platooning along UT I-70 from various vantage points. Footage would be taken from inside the cab and from tripods filming at various exits and rest stops as the rigs drive by. The proposal consists of stopping at rest stops and exits along the route to reset for the next shots and “leap-frog” in front of the big rigs. All vehicles would remain on existing roads and turnouts. The proposal includes 6 vehicles and 12 people, the cameras would be hand held or on a tripod. There are no props or sets proposed outside of the truck cab interiors. The filming would consist of approximately 3 days filming video in October of 2015; the proposed filming dates are October 13-15, from dawn to dusk.

Under the authority of Title V, Federal Land Policy and Management Act (FLPMA), as amended, the Bureau of Land Management (BLM) has the responsibility of responding to applications for Rights-of-Way (ROW) and to consider their approval in a manner that avoids or reduces impacts to sensitive resource values and prevents unnecessary or undue degradation of public lands. As stated under 43 Code of Federal Regulations (43 CFR) 2801.2 “it is the BLMs objective to grant rights-of-ways to any qualified individual, business, or government entity and to direct and control the use of rights-of-way on public lands”.

B. Land Use Plan Conformance

Land Use Plan Name: Price Field Office Resource Management Plan (PFO RMP)

Date Approved/Amended: October 31, 2008

The proposed action has been determined to be in conformance with the terms and conditions of the PFO RMP as required by 43 CFR 1600. Management Decision (LAR-5) states: “*Permit commercial filming on a case-by-case basis subject to a NEPA process*” (RMP, p. 116).

The interdisciplinary team review determined that the proposed action would not conflict with other implementation decisions within the PFO RMP. The proposal is consistent with the RMP lands and realty goal “*Make public lands available through ROWs or leases for such purposes as transportation routes, utilities, transmission lines, and communication sites, in coordination with other resource goals*” and lands and realty objective “*Make public lands available to meet the needs for smaller ROWs*” (RMP, p. 115).

C. Compliance with NEPA

The action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have a significant effect on the human environment. 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 reference states “*issuance of short-term (3 years or less) rights-of-way or land use authorizations... where the proposal includes rehabilitation to restore the land to its natural or original condition.*”

This CX 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 43 CFR Part 46.215 applies.

Based on a review of the project described above and field office staff recommendations attached, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis.

D: Signature

Authorizing Official: Amanda Harrington Date: 10-16-15
Amanda Harrington
Assistant Field Manager

Contact Person

For additional information concerning this CX review, contact

Connie Leschin, Realty Specialist
BLM Price Field Office
125 South 600 West
Price, UT 84501
Phone: (435) 636-3610
Fax: (435) 636-3657

**Maku Filming
Categorical Exclusion Review Record**

| Resource | Yes/No* | Assigned Specialist Signature | Date |
|--|----------------|--|-------------|
| Air Quality | No | Jeffrey Brower | 10/05/2015 |
| Areas of Critical Environmental Concern | No | Joshua Winkler | 10/05/2015 |
| Cultural Resources | No | Amber Koski | 10/05/2015 |
| Environmental Justice | No | Jake Palma | 10/05/2015 |
| Farm Lands (prime or unique) | No | Jeffrey Brower | 10/05/2015 |
| Floodplains | No | Jeffrey Brower | 10/05/2015 |
| Invasive Species/Noxious Weeds | No | Karl Ivory | 10/05/2015 |
| Migratory Birds | No | Jared Reese | 10/05/2015 |
| Native American Religious Concerns | No | Amber Koski | 10/05/2015 |
| Threatened, Endangered, or Candidate Species | No – Animals | Jared Reese | 10/05/2015 |
| | No – Plants | Karl Ivory | 10/05/2015 |
| Wastes (hazardous or solid) | No | Jeffrey Brower | 10/05/2015 |
| Water Quality (drinking or ground) | No | Jeffrey Brower | 10/05/2015 |
| Wetlands / Riparian Zones | No | Karl Ivory | 10/05/2015 |
| Wild and Scenic Rivers | No | Matt Blocker | 10/05/2015 |
| Wilderness | No | Matt Blocker | 10/05/2015 |
| Other: Visuals VRM I, mitigation measures | No | Josh Winkler | 10/05/2015 |

*Extraordinary Circumstances apply.

Environmental Coordinator:  Date: 10/5/15

**Extraordinary Circumstance to Categorical Exclusions
Exceptions to Categorical Exclusion Documentation**

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:

| Extraordinary Circumstances | | |
|---|-----------------------|--|
| 1. Have significant negative impacts on public health or safety. | | |
| Yes | No X | Rationale: <i>Public health and/or safety would not be affected given the scope of the proposal. The big rigs and filming crew will utilize existing exits and rest areas to stop and prepare for the next filming sequence. This should have no negative impacts on public safety.</i> |
| 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. | | |
| Yes | No X | Rationale: <i>No surface disturbance is proposed, the filming site would be along the interstate corridor while big rigs are travelling on I-70. This action would not have a significant impact on ecologically significant or critical areas; the vehicles will stay on pavement or existing exits off of I-70.</i> |
| 3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)]. | | |
| Yes | No X | Rationale: <i>The Interdisciplinary Team review did not identify any controversial environmental effects or unresolved conflicts concerning alternative uses of available resources.</i> |
| 4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. | | |
| Yes | No X | Rationale: <i>The environmental effects of filming are well understood and are not controversial. There are no uncertain or potentially significant environmental effects or unique/unknown environmental risks anticipated with this proposal.</i> |
| 5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects. | | |
| Yes | No X | Rationale: <i>Issuing an authorization for a filming proposal would not set a precedent for future actions, and does not represent a decision, in principal, about future actions with potentially significant environmental effects.</i> |
| 6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. | | |

Extraordinary Circumstances

| | | |
|---|---|--|
| Yes | No <input checked="" type="checkbox"/> | Rationale: <i>All filming would be conducted within the I-70 corridor. Filming permits have been authorized in various locations throughout the Price field office to various proponents. Additional filming permits may be authorized in the future; however, this would not be individually or collectively significant. Therefore, there would be no additive or cumulatively significant environmental effects.</i> |
| 7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau. | | |
| Yes | No <input checked="" type="checkbox"/> | Rationale: <i>The Area of Potential Effect for the proposed Maku filming project meets the definition for a small routine undertaking under the Programmatic Agreement Between the ACHP, the BLM-Utah and the USHPO per 36CFR800.3(a)(1).</i> |
| 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. | | |
| Yes | No <input checked="" type="checkbox"/> | Rationale: <i>There would be no negative effects to Threatened or Endangered Plants or Animals– Both GIS and a BLM file review indicates there are no known occurrences of any federally listed or candidate species in the project area. There is no designated critical habitat present as well. The project area is not located within mapped habitat (either PPH or PGH) for greater sage-grouse.</i> |
| 9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. | | |
| Yes | No <input checked="" type="checkbox"/> | Rationale: <i>Issuing a filming permit would not violate any Federal, State, local or tribal law or any requirement imposed for the protection of the environment.</i> |
| 10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). | | |
| Yes | No <input checked="" type="checkbox"/> | Rationale: <i>There are no low income or minority populations affected by this proposal. Authorization of the filming permit would not compromise health or environmental statutes.</i> |
| 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). | | |
| Yes | No <input checked="" type="checkbox"/> | Rationale: <i>The action would not limit access to, or ceremonial use of sacred sites by Native American religious and traditional practitioners or significantly affect the physical integrity of such sites.</i> |
| 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). | | |

Extraordinary Circumstances

| | | |
|------------|-----------------------|---|
| Yes | No X | Rationale: <i>Best Management Practices would be used to control the introduction and/or spread of noxious weeds. No vehicles will be driven off-road.</i> |
|------------|-----------------------|---|