

**Film Permit to Global Photo Associates, Inc.: 2016-0042-CX**

**Categorical Exclusion Documentation Format When Using Categorical Exclusions Not Established by Statute**

**A. Background**

BLM Office: Tonopah Field Office

Lease/Serial/Case File No: N-94805

CX Number: DOI-BLM-NV-B020-2016-0043-CX

Name of Preparer: Wendy Seley

**Proposed Action Title/Type:** Issuance of a 2920 Land Use Authorization Permit to Hounds LLC.

**Location of Proposed Action:** T. 9 S., R 43 E., sections 9,16-17; MDBM, Esmeralda and Nye Counties, Nevada.

**Description of Proposed Action:**

Hounds LLC filed a Land Use Application (2920) to film a one day shoot of the new Audi R8 for an Audi commercial on public lands administered by the Bureau of Land Management (BLM) under the jurisdiction of the Tonopah Field Office. Filming would take place in the vicinity of the Bonnie Claire Playa near Death Valley. Film date is proposed for July 31, 2016.

The shoot would consist of 1-2 vehicles on the Playa in a static position, with the possibility of some slow moving shots. The film crew would consist of approximately 15 people; no helicopter use. The proposed action would fall under a minimum impact 2920 land use permit in accordance with 43 CFR and NV-IM-2010-064.

Confinement to existing roads and trails when in the vehicles is required. No entry into Wilderness or Wilderness Study Areas would be allowed. No new disturbance is required.

Stipulations and maps for the proposed project area are attached.

**Applicant (if any):** Global Photo Associates, Inc.

**B. Land Use Plan Conformance**

Land Use Plan Name: Tonopah Resource Management Plan

Date Approved/Amended: October 2, 1997

\_\_\_\_ The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

X  The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Lands and Rights-of-Way Objective, page 18.

“To make lands available for community expansion and private economic development and to increase the potential for economic diversity.”

Page 33. “Unless the land has been dedicated to a specific use or uses, public land within the Tonopah Planning Area is available for consideration for linear rights-of-way for access, and for utility transportation and distribution purposes. Such land is also available for areal rights-of-way purposes.”

National Policy - 43 CFR 2801.2 - Rights-of-Way - Objectives (Selected Provisions), Subpart 2801 – General Information

“It is BLM’s objective to grant rights-of-way under the regulations in this part to any qualified individual, business, or governmental entity and to direct and control the use of rights-of-way on public lands in a manner that:

(a). Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity.”

(d). Coordinates to the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities.”

### **C. 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).

E. Realty. (19) “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.”

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 43 CFR 46.215 applies. However, standard stipulations included in Exhibit B do apply.

I considered all pertinent ecological, social and environmental factors which may be impacted by the project. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan. This land use permit

is being granted for administrative purposes and does not authorize additional surface disturbance or change in management and that no further environmental analysis is required.

**D. Signatures**

Environmental Coordinator: Andrew S. DeLuna Date: 7/11/16  
(Signature)

Authorizing Official: [Signature] Date: 7/11/16  
(Signature)

Name: Timothy J. Coward  
Title: Field Manager, Tonopah

**Contact Person:** For additional information concerning this CX review, contact Wendy Seley, Realty Specialist, Tonopah Field Office, P.O. Box 911, Tonopah, NV 89049, (775) 482-7805.

**Note:** A separate decision document must be prepared for the action covered by the CX.

<b>Screening for Extraordinary Circumstances: Will this project..</b>		<b>Yes</b>	<b>No</b>
1	<p><b>Have significant adverse effects on public health or safety?</b></p> <p><i>Rationale: This film permit request is for issuance of a land use permit (2920). It is not anticipated that the Proposed Action will have any effects to public health and safety.</i></p>		
2	<p><b>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?</b></p> <p><i>Rationale: Issuing the land use permit will not have significant impacts on such resources.</i></p>		
3	<p><b>Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources?</b></p> <p><i>Rationale: There is no controversy concerning the proposed action.</i></p>		
4	<p><b>Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</b></p> <p><i>Rationale: The activity proposed in this CX is a long-standing practice on BLM administered lands. The BLM ID Team of resource specialists reviewed this project and determined there are no highly uncertain, potentially significant, unique, or unknown risks.</i></p>		NO
5	<p><b>Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</b></p> <p><i>Rationale: The activities proposed in this CX are addressed and authorized under the 1997 Tonopah ROD/RMP. The proposed activities occur widely on Federal lands throughout NV and there is no evidence this type of activity would establish a precedent or decision for future actions that would have significant environmental effects.</i></p>		NO
6	<p><b>Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</b></p> <p><i>Rationale: The BLM interdisciplinary team reviewed the project and incorporated Project Design Features (PDFs) or stipulations into the project design to minimize any potential impacts to resources and prevent off-site effects that would contribute to the cumulative effects of other projects in the area. The ID Team determined that the project would not result in a cumulative significant effect when added to relevant past, present, and reasonably foreseeable actions in the area.</i></p>		
7	<p><b>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?</b></p> <p><i>Rationale: Issuing the land use permit would not have significant impacts to any properties either listed or eligible for listing on the National Register of Historic Places (NRHP).</i></p>		CX
8	<p><b>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?</b></p> <p><i>Rationale: Where appropriate, PDFs/stipulations have been incorporated into the land use permit to protect listed, or proposed to be listed species and their habitats. Appropriate buffers and seasonal restrictions will be implemented to avoid any adverse effects to threatened or endangered species or designated critical habitat.</i></p>		CX
9	<p><b>Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</b></p> <p><i>Rationale: The proposed activities conform to the TFO RMP's direction for management of public lands in areas of jurisdiction and comply with applicable laws, rules, and regulations.</i></p>		NO
10	<p><b>Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</b></p>		NO

	Rationale: Similar actions have occurred throughout the BMDO and there is no evidence that this type of land use permit would have a disproportionately high and adverse effect on said populations.		
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? Rationale: The BLM field office area archaeologist reviewed the project. No Native American sacred sites were identified. The land use permit does not significantly or adversely affect the physical integrity of any such sacred sites.		✓
12	Contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species? Rationale: The proposed action does not result in measurable changes in the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or nonnative invasive species to or from the project area.		DSB

*All of the above questions must be answered negatively before the Categorical Exclusion may be approved. This checklist is taken from 516 DM 2, Appendix 2.*

**Reviewed by**

Austin Brewer, (Biologist)

Initials

AB

Date

6/28/16

Christine McCollum, (Archaeologist)

CCM

6/29/16

Juan Martinez, (Native American Coordinator)

JM

6-30-16

Dalirey Balmer, (Rangeland Management Specialist)

DSB

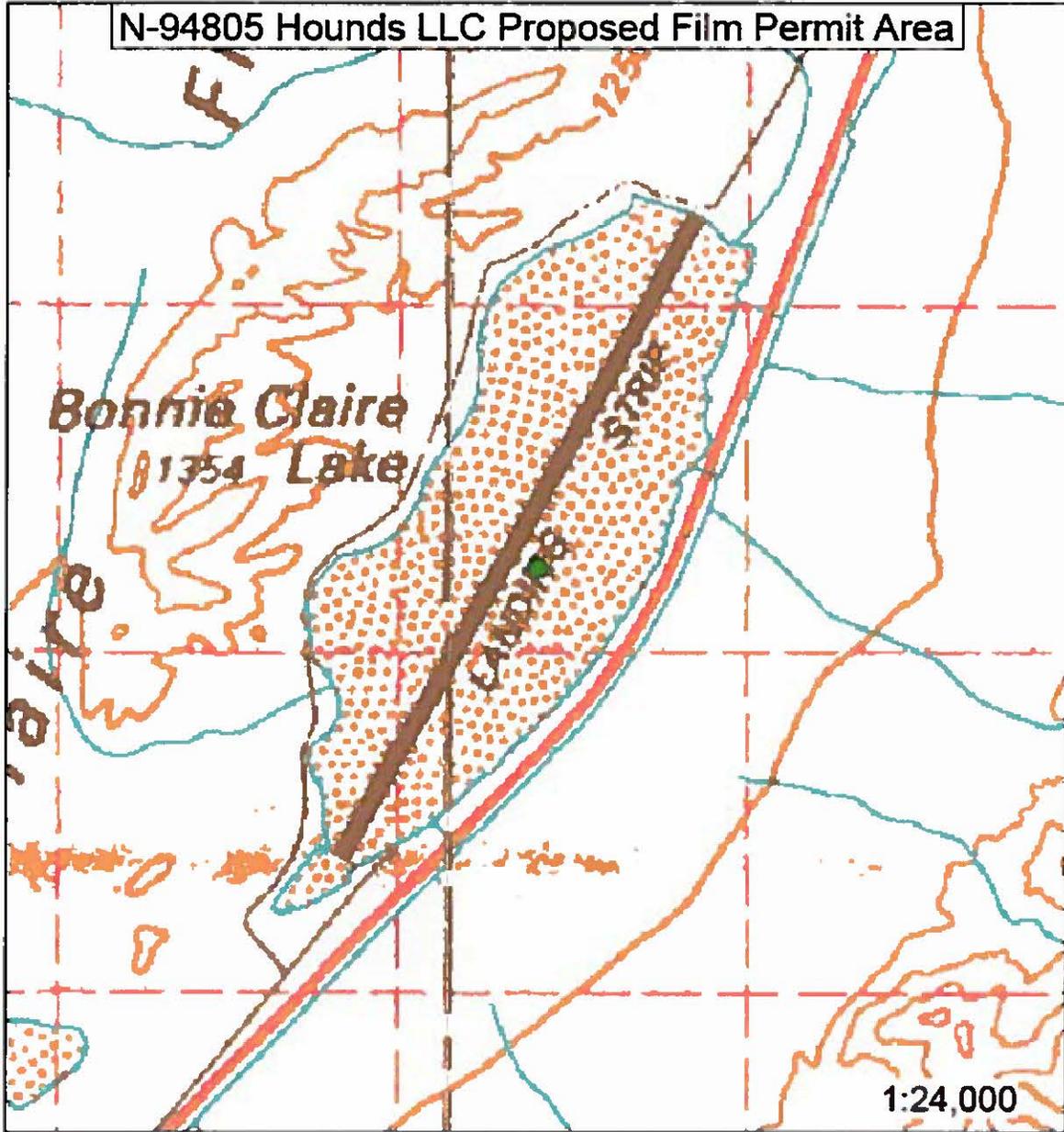
6/28/2016

Joy Fatooh, (Planning & Environmental Coordinator)

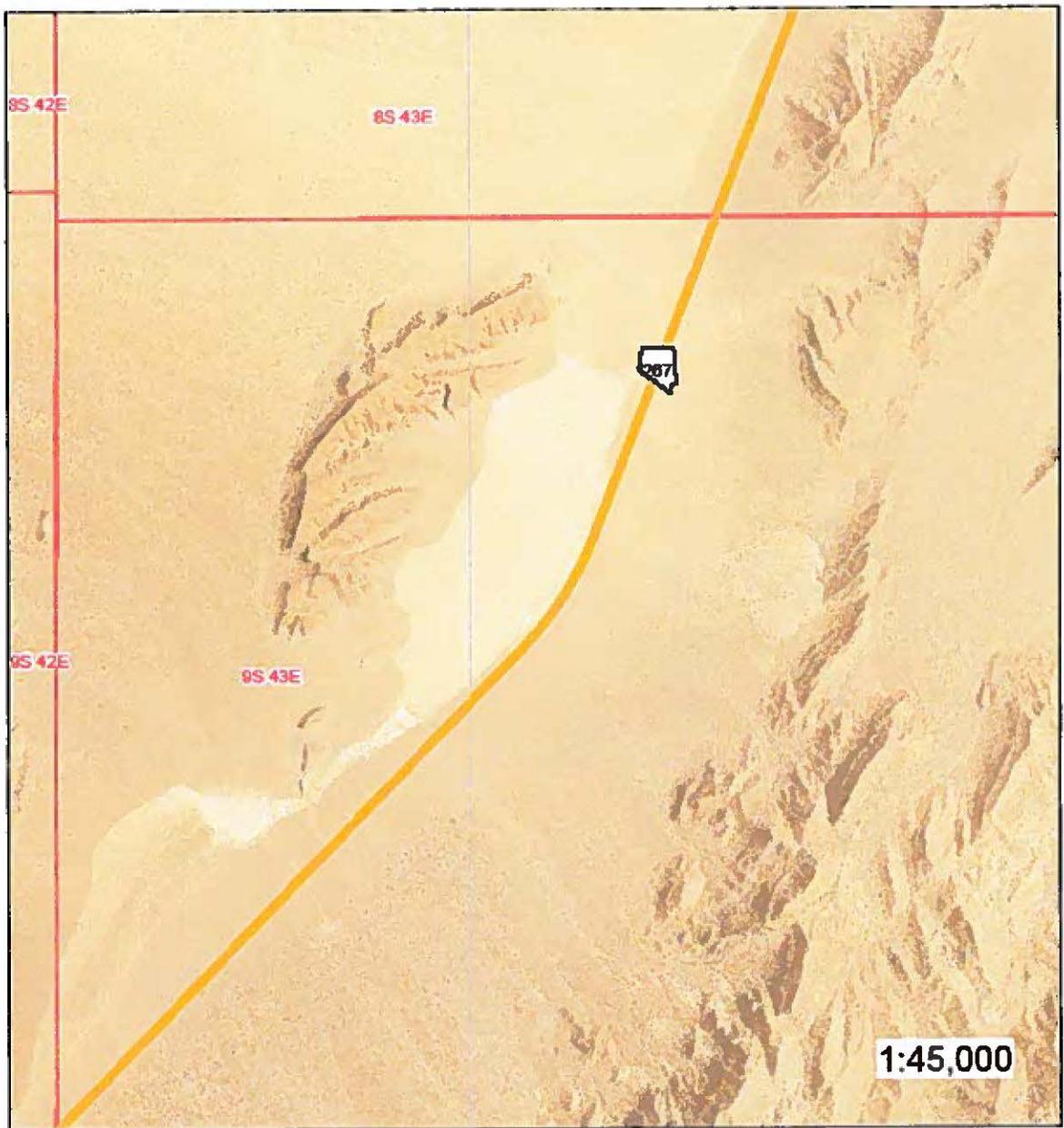
ABD  
for  
JF

7/11/2016

EXHIBIT A MAPS



<p><b>N-94805 Hounds LLC Aerial Film Permit Proposal</b></p> <p> N-94805 Hounds Film     Land Status     Private Bureau of Land Management</p> <p>0    0.25    0.5    1 Miles</p>	<p>Nevada Map Extent</p>	<p><b>United States Department Of The Interior</b></p> <p>Bureau of Land Management Tropic Field Office 1983 S. Main Street P.O. Box 811 Tropic, NV 89609</p> <p>Map Date: 02/24/2015 NAD 83 UTM Zone 12N</p> <p><small>No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.</small></p>
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1:45,000

<p><b>Legend</b></p> <p><b>Land Status</b></p> <p>Bureau of Land Management</p> <p>Private</p> <p>Tribal</p>		<p>Nevada</p> <p>Map Extent</p>	<p><b>United States Department Of The Interior</b></p> <p>Bureau of Land Management</p> <p>Toropah Field Office</p> <p>1883 E. Main Street P.O. Box 911</p> <p>Toropah, NV 89049</p> <p>Map Date: 08/2018</p> <p>NAD 83 UTM Zone 11N</p> <p>No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data.</p> <p>Original data were compiled from various sources. The information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.</p>

## **EXHIBIT B LAND USE PERMIT STIPULATIONS**

The following stipulations have been incorporated into the permit in order to manage filming activities being conducted on public land. The Permittee shall comply with the following stipulations:

### **General**

1. The Permittee shall comply with all applicable Local, State and Federal laws and regulations.
2. The Permittee shall indemnify and hold harmless, the United States, against any and all liability; direct or indirect, arising from the occupancy and use of the public land associated with the activities herein authorized.
3. The Permittee shall designate a representative for field operations before activities may commence. This person shall be the sole field representative for the Permittee's employees or contractors in dealing with the Authorized Officer. Said representative shall be responsible to receive and comply with all communications and decisions issued by the Authorized Officer. The selected representative shall be a Unit Production Manager or higher.
4. Unless specifically approved in writing as part of the permitted activity, all use under this permit shall be confined to areas of previous surface disturbance.
5. The Permittee is not granted exclusive usage of public land. Therefore, the Permittee must be cognizant of other user's needs in relation to its own uses and shall permit free and unrestricted public access to and upon the public land for all lawful purposes unless otherwise authorized by the Authorized Officer for public safety.
6. In areas other than open areas, vehicle use shall be limited to existing roads. The Permittee shall not leave the road surface to turn around or to go around any obstruction on the road itself. Vehicle speeds are limited to 25 MPH on ALL dirt and access roads.
7. This authorization is issued subject to all valid existing rights as of the date of issuance.
8. The Permittee shall inform all employees, contractors, and subcontractors of the terms and conditions of this authorization. Any officer, employee or agent of the Bureau of Land Management (BLM) may direct the Permittee or its employees, contractors, or subcontractors to cease and desist all activities on public land at any time in order to protect significant public land resources. Activities shall resume only upon written approval by the Authorized Officer.
9. The Permittee shall remove from public land and properly dispose of any and all trash, litter, debris, waste, excess materials, including flagging and signs, or other substances and materials resulting from the use under this authorization. All trash and food items shall be promptly contained within closed, raven-proof containers. These shall be regularly removed from the project site to reduce the attractiveness of the area to ravens and other tortoise predators. All litter and garbage will be removed to a county approved landfill. The authorized office will be provided with proof of receipts of disposal upon request.

10. Many of the film locations on public land are remote. Permittee shall be responsible for ensuring adequate sanitation facilities for participants is provided. These toilet facilities may be either portapotties or motorhomes.
11. The Permittee will provide a copy of the film in the form of DVD or video to the Authorized Officer. If still photography, the Permittee will provide either a photo or tear sheet of the photo for the BLM's records. Additionally, the Permittee hereby agrees to allow the BLM duplicate a segment of the DVD, video or photos for the purpose of promoting public land to the film industry or for internal government training. The BLM will not use the DVD, video or photos for any commercial purpose.
12. The Permittee will provide film credits for movies and television shows. The credits will read as follows for use of public lands.

U.S. Department of Interior  
Bureau of Land Management  
Tonopah Field Office, Battle Mountain District

13. The Permittee shall maintain liability insurance, naming the United States Department of the Interior, as co-insured in the minimum amount of \$1,000,000 for the full term of the permit.
14. If vehicles, equipment, materials, etc. are left on site overnight, a caretaker must be present to ensure the security of the property.
15. This permit does not authorize the taking, killing, or collection of any wildlife, vegetation or soils or the introduction of plants or animals at any location authorized by a permit.
16. Filming operations shall be conducted in such a manner as to avoid creating safety hazards to other public land visitors and to the filming crews.
17. The Permittee shall take adequate steps acceptable to the Authorized Officer to rehabilitate any surface disturbed during use under this permit, including areas previously disturbed, to a condition comparable to their condition prior to the permitted activity. (Examples: smoothing of berms or disturbed soil to natural contour; removal of vehicle ruts; replacement of fences or gates, etc.)
18. Commercial filming activities involving pyrotechnic or explosive devices must be specifically authorized by the BLM on the permit.
19. The Permittee must be in physical possession of this permit to constitute a valid authorization. These documents must be presented to any Federal, state or local law enforcement officer requesting their possession.
20. The Permittee is fully responsible for obtaining any permits or approvals required by state, local, or other Federal agencies. (Examples: county use permits, fire permits, county air quality permits, etc.)
21. The Permittee shall place signs and other warning devices as deemed necessary by the authorized officer to warn of the action taking place.

### **Cultural Resources**

1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder or any person working on the Holder's behalf, on public or Federal land shall be immediately reported to the Authorized Officer, Field Manager-BLM, Tonopah Field Station. The Permittee 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 the appropriate actions to follow to prevent the loss of significant cultural or scientific values. The Permittee will be responsible for the cost of the evaluation. Any decision as to proper mitigation measures to be taken will be made by the Authorized Officer after consultation with the Permittee.
2. Collection or disturbance of artifacts and other archaeological, historical, and paleontological materials by the Permittee, its representatives or employees, shall not be allowed. Offenders shall be subject to prosecution under the appropriate State and Federal laws.

### **Wildlife**

1. Except when absolutely required by the project and as explicitly stated in the project permit, cross-country vehicle use by employees is prohibited during work and non-work hours. If cross-country travel is required, the area immediately in front of the vehicle shall be cleared by the authorized biologist to ensure that no tortoises are present.
2. Except on county-maintained roads, vehicle speeds shall not exceed 25 miles per hour through desert tortoise habitat.
3. Workers shall inspect for tortoises under a vehicle prior to moving it. If a tortoise is present, the worker shall contact the biologist. Under supervision of the biologist, the vehicle may be moved only when necessary and when the tortoise would not be injured or harassed by moving the vehicle. Alternatively, the vehicle shall remain stationary until the tortoise moves out from under the vehicle.
4. No dogs shall be allowed at a work site in desert tortoise habitat, unless on leash.
5. All trash and food items shall be promptly contained within closed, raven-proof containers. These shall be regularly removed from the project site to reduce the attractiveness of the area to ravens and other tortoise predators.

### **Water Quality**

1. No dumping of water, sewage, trash, oil or any other petroleum products is allowed in the area. All wastes must be transported out of the area.

**Fire Management**

1. Smoking shall be allowed only in designated areas on public land. These areas shall be clearly marked and supplied with proper smoking disposal equipment. Any violation of this stipulation may result in the temporary suspension of the permit until such time that the proponent conducts a safety meeting with BLM fire fighters in attendance. Continuous violations of this stipulation will result in the termination of the permit.

**Failure to comply with any terms or conditions of this permit may result in the immediate suspension or termination of the permit and may result in civil or criminal charges, as appropriate.**

\_\_\_\_\_  
Signature of Authorized Company Representative

\_\_\_\_\_  
Date