



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Glennallen Field Office  
P.O. Box 147  
Glennallen, Alaska 99588  
<http://www.blm.gov/ak>

## **"Stairsteps" Helicopter Supported Special Recreation Permit Renewal** DOI-BLM-AK-A020-2013-0003-DNA

Case File: AA92683

### **DECISION RECORD**

#### **Background**

The Bureau of Land management (BLM) has received a Special Recreation Permit (SRP) renewal application from Silverton Mountain Guides to conduct guided helicopter-skiing operations on BLM-managed lands in the Chugach Mountains, approximately 100 miles northeast of Anchorage (referred to as the "Stairsteps" area). This renewal would be valid thru the 2017 operating season, March 19th through April 24th. Silverton Mountain Guides was authorized to operate on these BLM-managed lands during the 2011 and 2012 seasons.

A Finding of No Significant Impact (FONSI) was prepared in 2010 documenting that the selected alternative, authorization of an SRP to the applicant for heli-ski activities in the Stairsteps area, would have no significant effects. Given the current Proposed action, reauthorization of this SRP is essentially the same alternative selected in 2010 the preparation of a new FONSI is not necessary. The 2010 FONSI indicates that the current Proposed Action has been analyzed in an EA and has been found to have no significant environmental effects. Therefore, an Environmental Impact Statement is not required

#### **Decision**

It is my decision to authorize the requested SRP to Silverton Mountain Guides listed above as well as in the Determination of NEPA Adequacy (DOI-BLM-AK-A020-2013-003-DNA, attached).

Specifically, it is my decision to authorize:

- A five-year SRP for the 2013-2017 heli-skiing seasons (March 19th through April 24th) in the Stairsteps area to Silverton Mountain Guides.
- All stipulations in the 2010 Environmental Assessment applies to this permit unless otherwise approved by the BLM.

## **Rationale for the Decision**

The No Action Alternative would not fulfill the Ring of Fire RMP decision to provide commercial recreation opportunities where consistent with area objectives. The purpose underlying the BLM's consideration of these permit renewals is to retain commercial activities such as helicopter-supported recreation as part of the range of quality recreational opportunities offered on BLM-managed lands within the area.

## **ANILCA Section 810 Compliance**

The proposed action will not result in a significant restriction in abundance, availability, or access of harvestable resources used for subsistence purposes

## **Lands with Wilderness Characteristics**

The proposed action has been reviewed for wilderness characteristics and was found to contain a least one condition for meeting lands with wilderness characteristics. The stipulations and conditions attached to this authorization will ensure existing wilderness characteristics, such as size, naturalness; solitude and opportunities for primitive and unconfined recreation will not be impaired.

## **Consultation and Coordination**

Internal scoping was conducted by the Glennallen Field Office staff and included threatened and endangered species, cultural clearances and ANILCA 810 analysis.

## **Compliance and Monitoring**

Compliance and monitoring of these authorizations will be conducted by the BLM Glennallen Field Office. Inspections and annual performance evaluations shall be documented and saved within the case file for these authorizations.

## **Appeal Opportunities**

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 § 4. To appeal you must file a notice of appeal at the BLM Glennallen Field Office, P.O. Box 147, Milepost 186.5 Glenn Highway, Glennallen, Alaska 99588, within 30 days from receipt of this decision. The appeal must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Anchorage Field Office as noted above. *The BLM does not accept appeals by facsimile or email.* The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay 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. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending

appeal shall show sufficient justification based on the following standards: (a) The relative harm to the parties if the stay is granted or denied, (b) The likelihood of the appellant's success on the merits, (c) The likelihood of immediate and irreparable harm if the stay is not granted, and (d) Whether the public interest favors granting the stay.

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 Office of the Solicitor (see 43 CFR § 4.413); Office of the Regional Solicitor, Alaska Region, U.S. Department of the Interior, 4230 University Drive, Suite 300, Anchorage, Alaska 99508; 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.

*/s/ Elijah Waters, Acting for*

January 25, 2013

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Glennallen Field Manager

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Date

**Attachments**

1. 2013 Permit Stipulations
2. "Stairsteps" Helicopter Supported Special Recreation Permit Renewal, DOI-BLM-AK-020-2013-0003-DNA



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## DETERMINATION OF NEPA ADEQUACY (DNA) WORKSHEET

**Proposed Action Title/Type:** "Stairsteps" Helicopter Supported Special Recreation Permit Renewal

**NEPA Register Number:** DOI-BLM-AK-A020-2013-0003-DNA

**Case File Number:** AA92683

**Location / Legal Description:** The project is located in the Chugach Mountain Range, approximately 100 miles northeast of Anchorage at the east end of the Knik Glacier. The legal description is: Seward Meridian, T. 13 N., R.7 E Sections 1-22, 28-29 all, Sections 23-24, 27, 32-34 Fractional T. 12 N., R. 6 E Sections 1-11, 15-17, 20-22, 28-29 Sections 12-14 23, 26-27, 32-34 Fractional

**Applicant (if any):** Aaron Brill (Silverton Mountain Guides)

### A. DESCRIPTION OF THE PROPOSED ACTION

The Bureau of Land management (BLM) has received a Special Recreation Permit (SRP) renewal application from Silverton Mountain Guides to conduct guided helicopter-skiing operations on BLM-managed lands in the Chugach Mountains, approximately 100 miles northeast of Anchorage (referred to as the "Stairsteps" area). This renewal would be valid for five years, March 19th through April 24th. Silverton Mountain Guides was authorized to operate on these BLM-managed lands during the 2011 and 2012 seasons.

The BLM is proposing to authorize a five-year SRP to Silverton Mountain Guides for 2013-2017 heli-ski seasons on BLM-managed lands in the "Stairsteps" area.

### B. LAND USE PLAN CONFORMANCE

The proposed action is in conformance with the applicable land use plan because it is specifically provided for in the following land use plan decision(s):

Ring of Fire Approved Resource Management Plan (RMP) and Record of Decision (2008)

The Ring of Fire RMP states as one of its recreation management objectives to, “Manage recreation to maintain a diversity of recreational opportunities. Opportunities for commercial recreation will be provided consistent with area objectives for recreation management,” (RMP p. 2-28).

The proposed action would take place on lands that are within an Extensive Recreation Management Area. Extensive Recreation Management Areas are areas in which recreation is non-specialized and dispersed and does not require a specific management strategy or activity-level planning.

The proposed action is in conformance with the land use plan even though it is not specifically provided for because it is clearly consistent with the above recreation management objectives.

**C. IDENTIFY APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS AND OTHER RELATED DOCUMENTS THAT COVER THE PROPOSED ACTION.**

*Helicopter Supported Recreation on Public Lands* (DOI-BLM-AK-A020-2010-0037-EA)

**D. NEPA ADEQUACY CRITERIA**

1. *Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?*

Yes, with one exception. The current Proposed Action and project/analysis areas are identical to the Proposed Action and project/analysis areas analyzed in the 2010 EA. The one exception is the proposed dates of operation. The Proposed Action dates in the 2010 EA were April 18<sup>th</sup> through May 7<sup>th</sup> (p. 1, 2010 EA). The current Proposed Action is to authorize an SRP for March 19<sup>th</sup> through April 24<sup>th</sup>. The minor difference in dates is not substantial because both proposed dates occur in early spring when landing and ski areas are under ice or snow. Resource conditions are anticipated to be similar within these two timeframes.

2. *Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?*

Yes, the range of alternatives presented in the 2010 EA is appropriate and sufficient with respect to the current Proposed Action. There are no new issues or concerns that would prompt development or consideration of additional alternatives. The issues identified for analysis in the 2010 EA (effects to wilderness characteristics and effects to wildlife) remain unchanged (p. 4, 2010 EA). There are no new issues around which to develop additional alternatives for the current Proposed Action.

3. *Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?*

Yes, the existing analysis is still valid. No new information or circumstances pertaining to this activity has arisen since the EA was prepared in 2010 that would affect the applicability of the past analysis. The environmental consequences sections regarding wildlife and wilderness characteristics are appropriate and adequate for the current Proposed Action.

4. *Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?*

Yes, the impacts of the current Proposed Action are anticipated to be identical to those that were identified in the 2010 EA. The stipulations for the current Proposed Action will remain the same as described in the 2010 EA. As discussed in criteria #1, the current Proposed Action does use a slightly different timeframe than analyzed in the 2010 EA. However, the difference in dates is not substantial because both proposed dates occur in early spring when landing and ski areas are under ice or snow. Resource conditions and anticipated effects are anticipated to be similar within these two timeframes.

5. *Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?*

Yes, the 2010 EA adequately addresses public involvement and interagency review (pp. 4 and 9, 2010 EA). Public scoping was initiated in fall of 2010. A scoping notice was printed in the Valdez Star and Anchorage Daily News. Current Thompson Pass heli-ski operators and SRP holders were also notified of the new proposal and their comments were requested. Notice of the development of the EA was available to the public through the Glennallen Field Office NEPA Register website. In January 2011, interdisciplinary meetings were held with Glennallen Field Office's resources specialists.

## **E. PERSONS, AGENCIES, AND BLM STAFF CONSULTED**

Sarah Bullock	Wildlife Biologist, Bureau of Land Management
Molly Cobbs	Planning and Environmental Coordinator, Bureau of Land Management
John Jangala	Archaeologist, Bureau of Land Management
Denton Hamby	Outdoor Recreation Planner, Bureau of Land Management

Note: Refer to the 2010 EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

## F. CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation identified in Part C of this DNA Worksheet fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

*/s/ Elijah Waters, Acting for*  
Glennallen Field Manager

January 25, 2013  
Date

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Note: The signed Conclusion on this worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR § 4 and the program-specific regulations.

### **Attachments**

*Helicopter Supported Recreation on Public Lands (DOI-BLM-AK-A020-2010-0037-EA) (Note: This file is available for review by contacting the Glennallen Field Office.)*  
Map of Proposed Action Area



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## SPECIAL STIPULATIONS

In addition to the standard recreation permit stipulations for commercial operations, the following special stipulations are adopted and shall apply to this permit.

- 1) Current research data indicates that a minimum distance of ½ mile (0.8 kilometers) does not cause significant adverse disturbances to mountain goats; continuing research efforts may increase or decrease this minimal distance. Wolverine and bear may use the proposed heli-ski areas during the winter months. Raptors may use the lower slopes for nesting in early spring. Early spring is a time when wildlife is generally the most vulnerable either because of stress due to food availability and predators or because of nesting or calving activity at this time.
- 2) The special use permit will include an advisement from the Alaska Department of Fish and Game Statute 16.05.940 which defines “taking” to include pursuing or deliberately disturbing of fish and game. Operators and guides shall comply with this statute at all times. Hovering, circling or harassing wildlife, raptors, or any other wildlife species with the use of a helicopter is a violation of this statute.
- 3) Helicopter operations associated with this permit shall maintain a horizontal distance of at least ½ mile and a vertical altitude of at least 1500 feet outside any area designated as wildlife refugia. Pilots will use flight paths that avoid overflights of designated wildlife refugia, if at all possible.
- 4) Helicopters, operators, guides, clients and custodial pets shall maintain a minimum of ½ mile (0.8 kilometers) from all observed wildlife at all times including under the following special circumstances:
  - a. From any active eagle and osprey nest (April 15 to the end of the heli-ski season)
  - b. From any bear or wolverine dens that may have been observed or located through radio telemetry.
- 5) Heli-ski operators and guides shall report all wildlife sightings (number of individual wildlife, precise location, and date/s observed) to the Glennallen Field Office with their post use report.
- 6) The use of explosives is prohibited for avalanche control on permitted lands.

- 7) Heli-ski operators and/or guides shall use GPS equipment and maps to ensure that their permitted activities are occurring within designated areas (heli-ski regions) on Bureau of Land Management lands.
- 8) All fuel storage sites will be temporary and comply with state and federal laws and regulations. Any spill of petroleum products shall be reported and cleaned up in accordance with the rules and regulations established by the Alaska Department of Environmental Conservation and the Environmental Protection Agency. All costs incurred in reporting the spill and clean up shall be the responsibility of the party responsible for the spill.
- 9) There shall be no disturbance of any archaeological or historical sites, including graves, telegraph lines and poles as well as remains of cabins or other structures. There shall be no collection of artifacts whatsoever. Also, the collection of vertebrate fossils, including mammoth and mastodon bones, tusks etc., is strictly prohibited.
- 10) If heritage or paleontological resources are encountered during the permitted activities, then these items will be respectfully left in their locations and the Glennallen Field Office's Cultural Resource staff will be notified.
- 11) All helicopters will maintain a 2500-foot vertical and horizontal distance from all observed users as weather and ceilings allow. If weather or other conditions do not allow compliance with the above distances, the helicopter will maintain the greatest vertical distance that is safe for users and helicopter pilots and passengers.
- 12) Flights will be conducted in a manner to limit encounters between parties (including unguided parties).
- 13) Helicopters will avoid flying over mountain tops accessible by cross country and backcountry skiers.
- 14) All helicopter skiing operations will occur between sunrise and sunset.
- 15) All Federal Aviation Administration (FAA) rules shall be adhered to.
- 16) Filming activities will be limited to support by helicopters already in use for heli-ski operations.
- 17) No snowcat trail construction or brushing is authorized.
- 18) As part of their special recreation permit requirement, permittees will be required to prepare an Operation and Safety Plan for BLM approval. This plan will include:
  - i. Avalanche safety addressing client safety and the safety of other backcountry users in the area.
  - ii. Helicopter safety.

- iii. Emergency rescue, and
- iv. Guide requirements

- 19) Permittees will be required to participate in a communication plan, revised annually, that will have as a goal the continuation of close communication and cooperation between operators. The emphasis will be on safety and reasonable sharing of available operating areas for all operators.
- 20) A complete post season use report must be filed within 30 days of completion of operations. Late reports will be subject to late fees of \$50.00 per month and will reflect negatively on the permittee's performance record.
- 21) The Bureau of Land Management reserves the right to schedule mandatory pre or post season meetings to discuss any issues or items associated with this permit. Each permittee (or a representative of the organization) shall be expected to attend and participate in these meetings.
- 22) Annual permit renewal shall be based upon permit performance which is associated with stipulation compliance.
- 23) Maps distributed annually to the helicopter skiing operators are not to be reproduced without expressed written permission from the Glennallen Field Office Field Manager.
- 24) You are authorized to perform commercial filming in conjunction with this permit only when this activity takes place at the same time, location, and in association with your activities permitted under this SRP. In this instance, both the SRP fee and commercial filming fee will be charged and submitted to the BLM.
- 25) Filming is limited to the use of handheld and tripod mounted cameras. Use of dollies, tracks, cranes, high lines, aircraft and other camera support devices are not allowed, unless the camera support device is part of the recreation activity authorized under this SRP. Construction or removal of vegetation for the creation of a camera platform or to clear a shot is not allowed. No more than two, battery-powered, auxiliary lighting sources may be used.
- 26) Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the federal land by other users. The United States reserves the right to use any part of the area for any purpose.
- 27) The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
- 28) The permit, or copies thereof, shall be kept with the authorized individual(s) and

presented to any BLM representative upon request as proof of authorization.

29) The AO, or a duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or permittee's operator, employee, or agent for up to 3 years after expiration of the permit.

I declare I have read and understand all of the stipulations associated with this Special Recreation Permit. I acknowledge that as signee of the permit and these stipulations that I am fully responsible for all of the mitigation measures and compliance with stated permit stipulations and that non-compliance with any permit stipulations will be grounds for denial of future permits, and/or cancellation, and/or prosecution of applicable Federal, State and/or Local laws.

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Applicant's Name (Print)

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Signature

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Date