



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Anchorage Field Office  
4700 BLM Road  
Anchorage, Alaska 99507-2591  
<http://www.blm.gov/ak>

## **Triumvirate, Neacola Mountains Heliskiing Special Recreation Permit Categorical Exclusion, DOI-BLM-AK-A010-2013-0014-CX**

Case File, AA-093273

### **DECISION RECORD**

#### **Decision**

It is my decision to implement the proposed action on BLM-managed lands as described in the attached Categorical Exclusion documentation, DOI-BLM-AK-A010-2013-0014-CX.

Specifically, Triumvirate LLC (dba Tordrillo Mountain Lodge) is hereby authorized a Special Recreation Permit for the 2013 operating season (March and April) to operate day-use commercial heliskiing activities in the north block of the Neacola Mountains of south-central Alaska. All special stipulations, general terms and conditions, and adaptive management measures included in the Categorical Exclusion documentation apply to this decision (see Attachment 1).

The SRP does not authorize: the storage of fuel, equipment, or gear on BLM-managed lands; commercial filming associated with the permitted activity; nor landings or other associated operations in the south block of BLM-managed lands in the Neacola Mountains (the Neacola Mountains Area of Critical Environmental Concern).

#### **Rationale for the Decision**

The Proposed Action is consistent with the BLM's 2008 Ring of Fire Approved Resource Management Plan and Record of Decision goals for Recreation resources.

The proposed action has been reviewed by Anchorage Field Office staff and appropriate Project Design Features, as specified, will be incorporated during project implementation. Based on the attached Categorical Exclusion review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

#### **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 Anchorage Field Office, 4700 BLM Road, Anchorage, Alaska 99507, 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/ Alan Bittner*

March 19, 2013

Alan Bittner  
Anchorage Field Manager

Date

**Attachments**

Categorical Exclusion Documentation, DOI-BLM-AK-A010-2013-0014-CX



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## CATEGORICAL EXCLUSION (CX)

### A. BACKGROUND

**Project Name / Type:** Triumvirate, Neacola Mountains Heliskiing Special Recreation Permit

**NEPA Register Number:** DOI-BLM-AK-A010-2013-0014-CX

**Case File Number:** AA-093273

**Location / Legal Description:** S016N019W and S015N019W  
(Neacola Mountains, north block)

**Applicant (if any):** Triumvirate LLC dba Tordrillo Mountain Lodge

#### Description of Proposed Action:

Triumvirate LLC (dba Tordrillo Mountain Lodge) has applied to the BLM Anchorage Field Office for a Special Recreation Permit (SRP) to operate day-use commercial heliskiing activities in the north block of the Neacola Mountains of south-central Alaska (see map, Attachment 1).

The applicant anticipates a maximum of 30 clients for the 2013 season. The applicant proposes a maximum of 130 landings. A “landing” is defined as two helicopter touch-downs: the first to drop-off skiers and the second to pick-up the same group of skiers. The applicant would be using two Eurocopter AS350 B3 helicopters.

Operations would occur during the months of March and April, 2013. The SRP would be valid for the 2013 operating season only. The duration at each landing site would be approximately 10 minutes.

This SRP does not authorize the storage of fuel, equipment, or gear on BLM-managed lands. This SRP does not authorize commercial filming associated with the permitted activity. This SRP does not authorize landings or other operations associated with this SRP in the south block of BLM-managed lands in the Neacola Mountains (the Neacola Mountains Area of Critical Environmental Concern). No human waste or litter would be left on BLM-managed lands.

A detailed operations and safety plan has been submitted to the BLM. Special stipulations, general terms and conditions, and adaptive management measures for this proposed action will

be consistent with similar permitted heliskiing operations on BLM-managed lands within the region (see Attachment 2).

**B. LAND USE PLAN CONFORMANCE**

**Applicable Land Use Plan:** Ring of Fire Record of Decision and Approved Management Plan, March 2008.

The proposed action is in conformance with the applicable land use plan, even though it is not specifically provided for, because it is clearly consistent with the following land use plan decisions (objectives, terms, and conditions):

**O. Recreation**

*O-1: Goal*

Manage recreation to maintain a diversity of recreational opportunities. Opportunities for commercial recreation will be provided consistent with area objectives for recreation management (Approved RMP, p. 15).

**C. CATEGORICAL EXCLUSION**

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with United States Department of the Interior 43 CFR 46.210 or United States Department of the Interior Manual, Part 516, Chapter 11, which provides:

Issuance of Special Recreation Permits for day or overnight use up to 14 consecutive nights; that impacts no more than 3 (cumulative) staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR § 2932.5).

**D. EXTRAORDINARY CIRCUMSTANCES**

The proposed action must be screened against the Extraordinary Circumstances found in 43 CFR § 46.215 (listed below). Any “yes” finding requires that an Environmental Assessment or Environmental Impact Statement be prepared for the Proposed Action.

<b>EXTRAORDINARY CIRCUMSTANCES</b>	<b>YES/NO</b>
1. Have significant adverse impacts on public health or safety.	No
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	No

birds; and other ecologically significant or critical areas.	
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	No
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No
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.	No
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.	No
9. Violate Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No
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).	No
12. Contribute to the introduction, continued existence, or spread of weeds or non-native invasive species known to occur in the area or 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).	No

## E. LANDS WITH WILDERNESS CHARACTERISTICS

In conformance with Secretarial Order 3310, proposed actions must be reviewed for the following Lands with Wilderness Characteristics:

- 1) Size-roadless areas of over 5000 acres of contiguous BLM lands.
- 2) Naturalness-affected primarily by the forces of nature, with the works of humans substantially unnoticeable to the average visitor.
- 3) Outstanding opportunities for solitude or a primitive and unconfined type of recreation.
- 4) Supplemental values-if size, naturalness, and solitude/outstanding opportunities are met, then consider if the area contains ecological, geological, or other features of scientific, educational, scenic, or historical value. Supplemental values are not required to be classified an area as Lands with Wilderness Characteristics.

The proposed project area contains lands that have wilderness characteristics. The proposed action does not involve any planned construction or alterations of the lands or their wilderness characteristics. The proposed activities would temporarily impact the wilderness characteristic for “Outstanding opportunities for solitude or a primitive and unconfined type of recreation,” because of the helicopter activities. However, this impact would be limited to a total of 35 days in March and April, 2013 and would not impact any of the other wilderness characteristics. There would be no impairment of wilderness characteristics by the proposed action.

## F. SIGNATURE

The proposed action is in conformance with the applicable land use plan and is an action that can be categorically excluded. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 516 FM Chapter 2, Appendix 2. I recommend that the Proposed Action be allowed and that no further environmental analysis is required.

*/s/ Alan Bittner*

March 19, 2013

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Alan Bittner  
Anchorage Field Manager

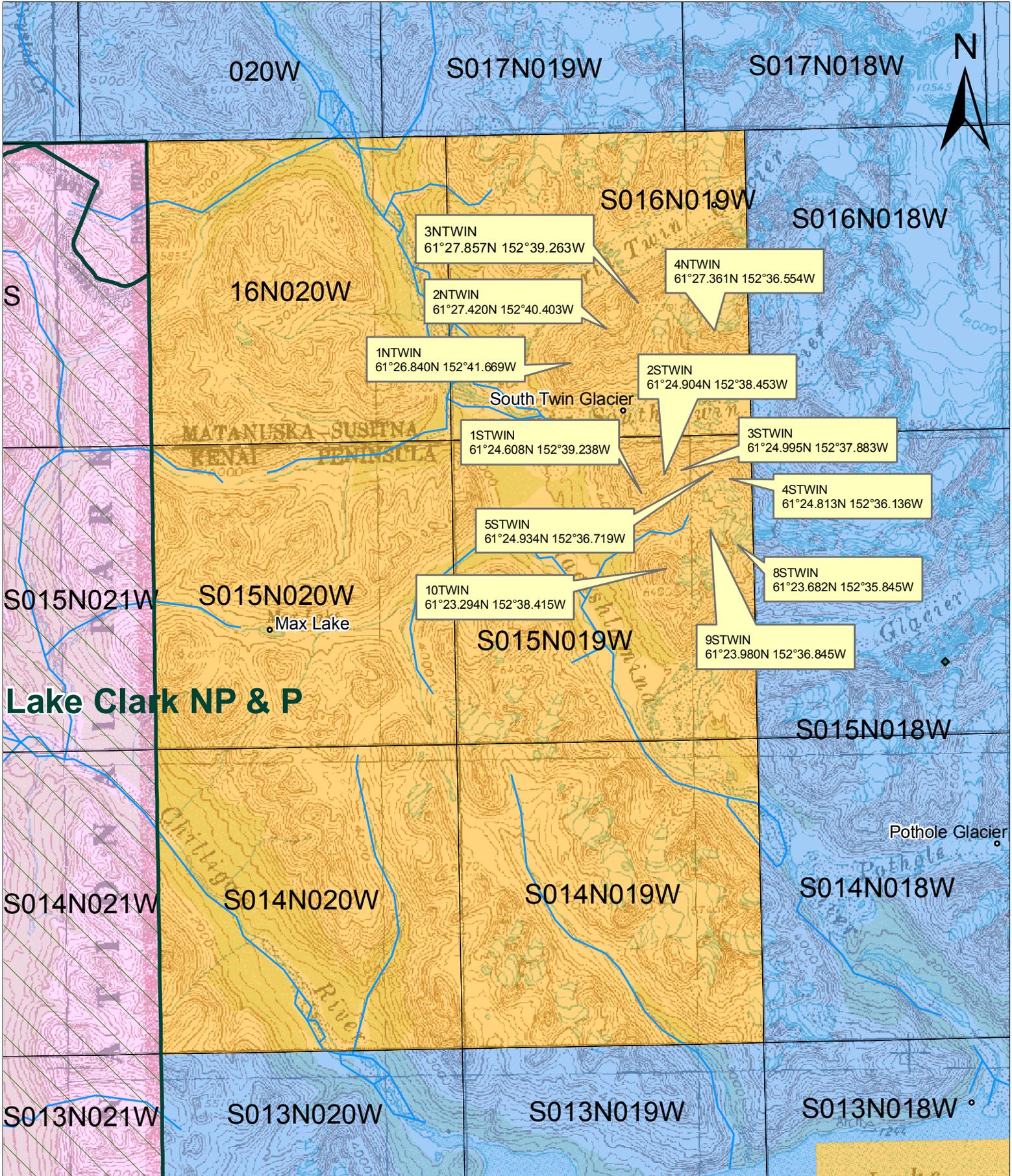
Date

## Attachments

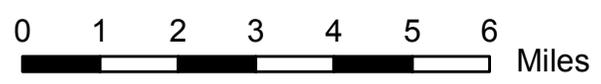
- 1 Map of Proposed Triumvirate 2013 Operating Area – Neacola Mountains, North Block
- 2 Special Stipulations and General Terms and Conditions
- 3 Adaptive Management Strategy

**ATTACHMENT 1**  
**MAP OF PROPOSED TRIUMVIRATE 2013 OPERATING AREA – NEACOLA  
MOUNTAINS, NORTH BLOCK**

# Triumvirate 2013 operating area - Neacola Mountains North block



**Lake Clark NP & P**



Disclaimer: The information displayed on this map should be used for graphic display only. For official land status information, refer to Cadastral Survey plats, Master Title Plats and land status case-files.

**ATTACHMENT 2**  
**SPECIAL STIPULATIONS AND GENERAL TERMS AND CONDITIONS**

TRIUMVIRATE HELISKI OPERATIONS: AA-093273

1. Aircraft shall maintain 1,500 feet vertical and horizontal distance from any visible sheep. Pilots are not expected to compromise safety when weather conditions indicate the 1,500 foot minimum cannot be met.
2. Operators shall not hover, circle, or harass wildlife in any way. This refers particularly to sheep, wolves, bears, and eagles, but includes all wildlife species.
3. The operators shall assure that their operations meet Federal Aviation Administration (FAA) requirements to achieve safe air operations (routing, airspace separation and coordination with other operators).
4. All operators shall be required to abide by their submitted Safety and Operating Plan, which was reviewed and approved by the BLM and is part of the Special Recreation Permit. The FAA may review these submissions.
5. The Authorized Officer (AO) may suspend or modify an SRP at any time, including the addition of adaptive management strategies, if necessary to protect public resources, health, safety, or the environment or as a result of non-compliance with permit stipulations.

**ATTACHMENT 3**  
**ADAPTIVE MANAGEMENT STRATEGY**

TRIUMVIRATE HELISKI OPERATIONS: AA-093273

The goals of the BLM's Adaptive Management Strategy in the Neacola Mountains area include:

1. Annual review and incorporation of new wildlife data and information provided by the Alaska Department of Fish and Game. Annual review and incorporation of new data is dependent on funding.
2. Annual review of permitted activities for compliance with special stipulations and general conditions of the permit.
3. Determine if changes to the authorized activities are necessary to reduce effects on wildlife in critical winter and summer habitats. For example, aerial observation and inventory data will be used annually to refine permit stipulations for helicopter based recreation permitted on BLM lands to further protect wildlife and their seasonal habitats in the Neacola Mountains area.
4. Annual review of items 1-3 to determine effectiveness of modifications and whether to continue annual reviews in the future.

Due to the limited amount of available winter habitat and movement data for wildlife in the area, future requests for winter use would be considered for temporary authorization for one winter season only. Longer-term authorization of winter activities (i.e., more than one winter season) will not be considered until:

1. At least three years of winter-specific wildlife data are collected and analyzed (anticipated December 2015); and,
2. Annual review of authorized activities, as part of the Adaptive Management Strategy, indicates minimal effects upon wildlife populations.

All future adaptive management action would aim to minimize the effects of authorized activity on wildlife populations temporally and spatially. An adaptive management strategy to reduce effects temporally may include, but is not limited to, additional flight and/or landing restrictions during difficult winter months or during kidding season. An adaptive management strategy to reduce effects spatially may include, but is not limited to, additional flight and/or landing restrictions in identified important winter habitat.