

# 1st Alaska Outdoor School

## Decision Record

BLM Fairbanks District - Central Yukon Field Office 2930 – Special Recreation Permit

Case File Number FF095281

Ralf Dobrovolny, dba – 1st Alaska Outdoor School

## Compliance

Subject lands are covered under the Utility Corridor Resource Management Plan, which was approved on January 11, 1991; the action has been reviewed for and is in conformance with Chapter Two of the Plan (pages 2-26 and 2-27) and also implementing action #1 under Recreation Program Objective 2 found in Appendix N (page N-19) which states “Process Special Recreational Permit applications for all commercial and competitive events on a case-by-case basis;” and the Recreation Area Management Plan for the Dalton Highway which was approved on October 11, 1991.

## Selected Action

It is my decision to approve a 2930 Special Recreation Permit for the use of BLM lands by Ralf Dobrovolny, dba 1st Alaska Outdoor School, for tours on BLM lands in the Dalton Highway Corridor Management Area from January 1, 2013 through December 31, 2017. Activities will include use of BLM waysides and recreation sites and include Sight Seeing, Wildlife Watching, Aurora Viewing, and amateur photography. Travel will be in 15 passenger vans and done in accordance with federal, state, and local laws.

1. Authorizing this Proposed Action will facilitate an acceptable and permitted practice by the BLM and is compatible with the Utility Corridor Resource Management Plan, and is an action that can be categorically excluded. The Proposed Action does not trigger any of the Extraordinary Circumstances found in 43 CFR 46.21 516 DM Chapter 2, Appendix 2. In addition, the decision to process this application as a Categorical Exclusion falls within the guidance provided in Appendix 4 NEPA Handbook Appendix 4, 516 DM 11.9 (H) 1, as described above in ‘Compliance with NEPA’.

## Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with the NEPA Handbook Appendix 4, 516 DM 11.9 (H), which states, “Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan.”

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

## **Public Involvement:**

Unsolicited favorable comments have been received in this office about Mr. Dobrovolny and his management of 1st Alaska Outdoor School and delivery of travel tours to the Dalton Highway area.

## **Rationale:**

1. Authorizing the permit is specifically provided for in the Utility Corridor Resource Management Plan.
2. The action is categorically excluded and does not trigger any of the extraordinary circumstances found in CFR 46.215.
3. There will be no restriction to subsistence use (See attached ANILCA 810 documentation).
4. There will be no adverse impacts to cultural resources (See attached Assessment of Archaeological and Historic Resources Sec. 106 documentation).
5. There will be no impact on Essential Fish Habitat (see attached EFH determination).

## **Appeal or Protest Opportunities:**

If you choose to protest this decision you must do so within 15 days of the receipt of permit determination. The protest must be filed with and received by the CYFO Field Manager within the allotted time. The protest must present any evidence that would show the decision is in error and should be vacated or modified. Within 15 days of receipt of a timely protest the Field Manager will review any evidence provided by you and forward a recommended final decision to the Fairbanks District Manager. The decision of the District Manager will be the final BLM decision, and may be appealed to the Interior Board of Land Appeals.

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with 43 CFR Part 4 and DOI Form 1842-1. The notice of appeal must be filed in the Bureau of Land Management Central Yukon Field Office within 30 days from receipt of this decision.

## **Authorizing Official:**

/s/ Nichelle Jacobson

Nichelle W Jacobson  
Manager, Central Yukon Field Office

4/23/2013

Date

## **Contact Person**

For additional information concerning this Finding, contact.

Kelly Egger  
BLM — Central Yukon Field Office  
1150 University Ave.

Fairbanks, AK 99709  
email: kegger@blm.gov; phone: 907/474-2242

## COMPLIANCE WITH ANILCA SECTION 810

### EVALUATION AND FINDING

**Applicant:** Ralf Dobrovolny - 1st Alaska Outdoor School

**Serial No.:** FF-095281

**EA No.:** DOI-BLM-AK-03000-2013-0006-CX

**Proposed Action:** Special Recreation Permit - 2930

**Location:** Dalton Highway Corridor Management Area (DHCMA)

**Description of Proposed Action:** The commercial tour operator proposes to provide guided tours of the Dalton Highway using special recreation areas, public lands and facilities for business and financial gain. The applicant proposes to transport tourists in the DHCMA by passenger van with travel beginning and ending in Fairbanks. The operator provides tours throughout the year and specific activities are dependent on the season and weather conditions. Advertised activities include sightseeing tours, aurora viewing, wildlife viewing, photography (non-commercial), interpretation of natural and living history, and stops at BLM designated and managed waysides. The dates of the proposed action are from January 1, 2013 – December 31, 2017 for a term of five (5) years.

**Date:** 25 February 2013

### EVALUATION

#### Effect of proposed action on subsistence uses and needs

Fisheries:

Touring activities associated with this permit will not occur in, or affect, fish habitat (streams or lakes). Subsequently, the proposed action will not significantly reduce harvestable fisheries resources that are available for subsistence use. The proposed action will not alter the distribution, migration or location of harvestable fisheries resources for the same reason. Neither will it create any legal or physical barriers that would limit access by subsistence users of the fisheries resource.

Wildlife:

Touring activities associated with this permit will not alter the distribution, migration or location of harvestable wildlife resources. The proposed action would not create any legal or physical barriers that would limit subsistence harvest and access. The proposed action will not result in an increase in competition for subsistence resources, as no hunting will occur.

Other Resources:

The proposed action would not appreciably impact any other harvestable resources such as wood, water, berries or vegetation.

Availability of other lands for the purpose sought to be achieved:

The proposed action is to allow for guided sightseeing along the Dalton Highway, using already established BLM waysides. No impacts to subsistence are envisioned as a result of this action; therefore, no other lands were evaluated.

Other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes:

There is no substantial evidence that would indicate a significant impact will result from the proposed action. No other alternatives were evaluated.

**FINDING:**

The proposed action will not significantly restrict subsistence uses. No reasonably foreseeable and significant decrease in the abundance of harvestable resources or in the distribution of harvestable resources, and no reasonably foreseeable limitations on harvester access have been forecasted to emerge as a function of the action that is analyzed in this document.

Prepared by: Robert Karlen – Fisheries Biologist

Jennifer McMillan – Ecologist

**References Cited or Reviewed:**

**ESSENTIAL FISH HABITAT (EFH) DETERMINATION**

NEPA Document No.: DOI-BLM-AK-03000-2013-0006-CX

Prepared by: Robert Karlen

Date: 2/25/2013

EFH Finding: There are no salmon species catalogued by the State of Alaska present in the area to be used or impacted by this action. Based on this finding, it is anticipated that the proposed action will not have an adverse effect on EFH for salmon. Therefore, the proposed action is assigned the EFH determination: *No affect*. EFH consultation with NMFS is not required.

References:

Alaska Department of Fish and Game. 2013. Fish distribution database. Internet website at: <http://www.sf.adfg.state.ak.us>.

## **WILDERNESS CHARACTERISTICS ASSESSMENT**

### **CATEGORICAL EXCLUSION**

**DOI-BLM-AK-03000-2012-0047-CX**

Special Recreation Permit - 2930

**FF-095281**

#### **Applicant**

Ralf Dobrovolny

1st Alaska Outdoor School

#### **Location of Proposed Action**

Dalton Highway Corridor Management Area (DHCMA)

#### **Proposed Action**

The commercial tour operator proposes to provide guided tours of the Dalton Highway using special recreation areas, public lands and facilities for business and financial gain. The applicant proposes to transport tourists in the DHCMA by passenger van with travel beginning and ending in Fairbanks. The operator provides tours throughout the year and specific activities are dependent on the season and weather conditions. Advertised activities include sightseeing tours, aurora viewing, wildlife viewing, photography (non-commercial), interpretation of natural and living history, and stops at BLM designated and managed waysides. The dates of the proposed action are from January 1, 2013 – December 31, 2017 for a term of five (5) years.

#### **Evaluation**

The basis for this evaluation is Manual 6310 which directs offices to continue to conduct and maintain inventories regarding the presence or absence of wilderness characteristics, and to consider identified lands with wilderness characteristics in land use plans and when analyzing projects under the National Environmental Policy Act (NEPA).

The 1980 Nonwilderness Assessment identified lands under BLM administration that lacked wilderness characteristics as defined in the Wilderness Act of 1964, and was conducted in a manner that met the requirements of Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA).

The action being considered is primarily located within the Sagavanirktok (325,000 acres), Atigun (223,000 acres), Prospect (550,000 acres) and Yukon (688,300 acres) Segments of the Nonwilderness Assessment. BLM management authority in these segments occurs along the Dalton Highway and extends to the east/west limits of BLM managed land excluding the State-managed lands in the Coldfoot Node.

Portions of these segments meet the 5,000 acre minimum size. They were deemed as not meeting naturalness standards due to roads, camps, airfields, pipelines, material sites and associated facilities. These disturbances bisect the entire length of the segment.

More recent observations have confirmed that the 1980 assessment is still valid. In addition, the lands that were determined to be nonwilderness are reserved as a Utility and Transportation Corridor under PLO 5150, so would not be suitable for management as wild lands.

The BLM has further determined that, if a project or activity does not negatively affect wilderness characteristics, the permitting process may proceed as usual, regardless of whether an inventory of wilderness characteristics has been completed. Small-group day-hikes will not affect wilderness characteristics, provided that the stipulations attached to this permit are met.

**Type of Assessment/Sources:**

- U.S. Department of Interior, BLM, 1980. Nonwilderness Assessment: The Alaska Natural Gas Transportation System. Final Decision. Anchorage, Alaska;
- personal knowledge of the area; maps (Bettles D-2 and NonWilderness Assessment Prospect Segment, Sheet 28)

**FINDING**

The proposed action will occur primarily in areas that have been determined not to have wilderness characteristics. Some activity may occur in areas that have not yet been inventoried for wilderness characteristics. The proposed action will not have any impact on wilderness characteristics.

**Prepared by:** Lisa Shon Jodwalis, Park Ranger-Interpretation

**Date:** 22 February 2013